

**EIGHTY-SIXTH DAY**  
(Saturday, May 31, 1975)

The Senate met at 9:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

A quorum was announced present.

Senator Grant Jones offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator McKinnon was granted leave of absence for today on account of important business on motion of Senator Clower.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following reports for the Committee on Human Resources:

**H.B. 1793**  
**H.B. 1246**  
**H.B. 809**

Senator Moore submitted the following report for the Committee on State Affairs:

**H.B. 1217**

Senator Mauzy submitted the following report for the Committee on Education:

**H.B. 31 (Amended)**

Senator Moore submitted the following reports for the Committee on State Affairs:

**H.B. 1194**  
**C.S.H.B. 542**

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 161**, Authorizing the Conference Committee on **S.B. 839** to add certain language.

The House refused to adopt Conference Committee Report on **S.B. 839** by a non-record vote. House Conferees: Henderson, Chairman; Fox, Polumbo, Smith and Uher.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 762. House Conferees: Nugent, Mankins, Bailey, Rucker and Finney.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

**CONFERENCE COMMITTEE REPORT ON SENATE BILL 761**

Senator Hance submitted the following Conference Committee Report:

Austin, Texas  
May 31, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 761** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**HANCE**  
**MOORE**  
**CREIGHTON**  
**MCKNIGHT**  
**HARRIS**  
On the part of the Senate

**NUGENT**  
**MANKINS**  
**RUCKER**  
**BAILEY**

On the part of the House

AN ACT

relating to mass transportation; changing the names of the State Highway Department, the State Highway Commission, and the State Highway Engineer to the State Department of Highways and Public Transportation, the State Highway and Public Transportation Commission, and the State Engineer-Director for Highways and Public Transportation, respectively, and providing their powers and duties; placing certain limitations on the powers of the department; providing for the transfer of programs, contracts, assets, and personnel from the Texas Mass Transportation Commission and making other transition provisions; amending Articles 6663 and 6669, Revised Civil Statutes of Texas, 1925, as amended; repealing Chapter 615, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(34), Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

~~[Section 1. The State Public Transportation Advisory Council is created to advise the State Engineer Director for Highways and Public Transportation on all matters relating to public transportation. The State Public Transportation Advisory Council consists of six members appointed by the governor for two year terms. On the effective date of this Act the six members of the Texas Mass Transportation Commission become members of the State Public Transportation Advisory Council. Those members continue to serve as members of the council until the date their terms on the Texas Mass Transportation Commission would have expired. Successors to the six original members of the council shall be appointed to terms of two years. To be eligible for membership, a person must have contributed significantly to the development and improvement of public transportation. Members shall be appointed from various areas of the state. An elected official is ineligible for membership. Members of the council receive no compensation but are entitled to reimbursement for their actual expenses incurred in attending to the business of the council. The council shall elect its officers, who shall serve for terms of one year. The council shall hold a regular annual meeting. It shall hold a special meeting at the call of the State Engineer Director for Highways and Public Transportation, or at the request of four council members.]~~

Section 1. ~~[2.]~~ (a) The State Department of Highways and Public Transportation:

(1) may purchase, construct, lease, and contract for public transportation systems in the state;

(2) shall encourage, foster, and assist in the development of public and mass transportation, both intracity and intercity, in this state;

(3) shall encourage the establishment of rapid transit and other transportation media;

(4) shall develop and maintain a comprehensive master plan for public and mass transportation development in this state;

(5) shall assist any political subdivision of the state in procuring aid offered by the federal government for the purpose of establishing or maintaining public and mass transportation systems;

(6) shall conduct hearings and make investigations it considers necessary to determine the location, type of construction, and cost to the state or its political subdivisions of public mass transportation systems owned, operated, or directly financed in whole or in part by the state;

(7) may enter into any contracts necessary to exercise any functions under this Act;

(8) may apply for and receive gifts and grants from governmental and private sources to be used in carrying out its function under this Act;

(9) may represent the state in public and mass transportation matters before federal and state agencies;

(10) may recommend necessary legislation to advance the interests of the state in public and mass transportation;

(11) may not issue certification of convenience and necessity;

(12) may utilize the expertise of recognized authorities and consultants in the private sector, both for the planning and design of public and mass transportation systems.

(b) In the exercise of the power of eminent domain under the provisions of this Act which relate to public and mass transportation, the department shall be prohibited from any action which would unduly interfere with interstate commerce or which would establish any right to operate any vehicle on railroad tracks used to transport freight or other property.

Sec. 2. ~~[3.]~~ On the effective date of this Act, all programs, contracts, assets, and personnel of the Texas Mass Transportation Commission are transferred to the State Department of Highways and Public Transportation. The comptroller of public accounts and the State Board of Control shall assist in the orderly implementation of this transfer.

Sec. 3. ~~[4.]~~ Article 6663, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

Article 6663. DEPARTMENT. (a) The name of the State Highway Department is changed to the State Department of Highways and Public Transportation. The name of the State Highway Commission is changed to the State Highway and Public Transportation Commission. The name of the State Highway Engineer is changed to the State Engineer-Director for Highways and Public Transportation. Any reference in law to the State Highway Department or Texas Highway Department shall be construed as meaning the State Department of Highways and Public Transportation. A reference in law to the State Highway Commission shall be construed as meaning the State Highway and Public Transportation Commission. A reference in law to the State Highway Engineer shall be construed as meaning the State Engineer-Director for Highways and Public Transportation.

(b) The administrative control of the State ~~[Highway]~~ Department of Highways and Public Transportation, hereinafter called the Department, shall be vested in the State Highway and Public Transportation Commission, hereinafter called the Commission, and the State Engineer-Director for Highways and Public Transportation ~~[Highway Engineer]~~. Said Department shall have its office at Austin where all its records shall be kept.

Sec. 4. ~~[5.]~~ Article 6669, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

Article 6669. ENGINEER-DIRECTOR ~~[ENGINEER]~~. The Commission shall elect a State Engineer-Director for Highways and Public Transportation ~~[Highway Engineer]~~ who shall be a Registered Professional Engineer in the State of Texas and a competent civil engineer, experienced and skilled in highway construction and maintenance and in public and mass transportation planning or development. He shall hold his position until removed by the Commission. He shall first execute a bond payable to the state in such sum as the Commission may deem necessary, to be approved by the Commission, and conditioned upon the faithful performance of his duties. He shall act with the Commission in an advisory capacity, without vote, and shall quarterly, annually and biennially submit to it detailed reports of the progress of public road construction, public and mass transportation development, and statement of expenditures. He shall be allowed all actual traveling and other expenses therefor, under the direction of the Department, while absent from Austin in the performance of duty under the direction of the Commission.

Sec. 5. ~~[6.]~~ Chapter 615, Acts of the 61st Legislature, Regular Session, 1969 (Article 4413(34), Vernon's Texas Civil Statutes), is repealed.

Sec. 6. [7.] The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 762

Senator Hance submitted the following Conference Committee Report:

Austin, Texas  
May 31, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 762** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HANCE  
MOORE  
CREIGHTON  
MCKNIGHT  
HARRIS  
On the part of the Senate

NUGENT  
MANKINS  
RUCKER  
BAILEY  
On the part of the House

#### A BILL TO BE ENTITLED

#### AN ACT

relating to public mass transportation; providing for certain programs to be administered by the State Highway and Public Transportation Commission; defining the areas and governmental entities eligible to participate in the programs; providing for funding of the programs by federal, state, and local areas or governments; establishing the Public Transportation Fund to be used by the State Department of Highways and Public Transportation in carrying out the responsibilities and duties of the commission and the department; providing for deposit of public and private grants in the fund and making appropriations to the fund; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

**Section 1. FINDINGS AND PURPOSE.** (a) The legislature finds that:

(1) transportation is the lifeblood of an urbanized society, and the health and welfare of that society depend on the provision of efficient, economical, and convenient transportation within and between urban areas;

(2) public transportation is an essential component of the state's transportation system;

(3) energy consumption and economic growth are vitally influenced by the availability of public transportation;

(4) providing public transportation has become so financially burdensome that private industry can no longer provide service in many areas in the state and that the continuation of this essential service on a private or proprietary basis is threatened; and

(5) providing public transportation is a public, governmental responsibility and a matter of direct concern to state government and to all the citizens of the state.

(b) The purposes of this Act are to provide:

(1) improved public transportation for the state through local governments acting as agents and instrumentalities of the state;

(2) state assistance to local governments and their instrumentalities in financing public transportation systems to be operated by local governments as determined by local needs; and

(3) coordinated direction by a single state agency of both highway development and public transportation improvement.

**Sec. 2. DEFINITIONS.** In this Act:

(1) "Capital improvement" means the acquisition, construction, reconstruction, or improvement of facilities, equipment, or land for use by operation, lease, or otherwise in public transportation service in urbanized areas, and all expenses incidental to the acquisition, construction, reconstruction, or improvement including designing, engineering, supervising, inspecting, surveying, mapping, relocation assistance, acquisition of rights-of-way, and replacement of housing sites.

(2) "Commission" means the State Highway and Public Transportation Commission.

(3) "Department" means the State Department of Highways and Public Transportation.

(4) "Federally funded project" means a public transportation project proposed for funding under this Act which is being funded in part under the provisions of the Urban Mass Transportation Act of 1964, as amended, the Federal-Aid Highway Act of 1973, as amended, or other federal program for funding public transportation.

(5) "Local share requirement" means the amount of funds which are required and are eligible to match federally funded projects for the improvement of public transportation in this state.

(6) "Public transportation" means transportation by bus, rail, watercraft, or other means which provides general or specialized service to the public on a regular or continuing basis.

(7) "Urbanized area" means an area so designated by the United States Bureau of the Census or by general state law.

**Sec. 3. FORMULA PROGRAM.** (a) The commission shall administer the formula program and allocate 60 percent of the funds in the public transportation fund to that program.

(b) Only an urbanized area with a population in excess of 200,000 according to the last preceding federal census is eligible for participation in the formula program. A municipality, regional authority, or other local governmental entity designated as a recipient of federal funds by the governor with the concurrence of the Secretary of the United States Department of Transportation is a designated recipient of funds under the formula program.

(c) The funds allocated to the formula program shall be apportioned annually on the basis of a formula under which the designated recipients of an eligible urbanized area are entitled to receive an amount equal to the sum of:

(1) one-half of the total amount apportioned to the formula program for the year multiplied by the ratio by which the population of the eligible urbanized area bears to the total population of all eligible urbanized areas that are eligible for the formula program; and

(2) one-half of the total amount apportioned to the formula program for the year multiplied by the ratio by which the number of inhabitants per square mile of the eligible urbanized area bears to the combined number of inhabitants per square mile of all eligible urbanized areas.

(d) Designated recipients may only use formula program funds to provide 65 percent of the local share requirement of federally funded projects for capital improvements.

(e) Within 30 days after an application for funds under the formula program is received, if there are unallocated formula funds for the applicant, the commission shall certify to the federal government that the state share of the local share requirement is available. The application must contain a certification by the designated recipient that:

(1) funds are available to provide 35 percent of the local share requirement of federally assisted programs; and

(2) the proposed public transportation project is consistent with ongoing, continuing, cooperative, and comprehensive regional transportation planning being carried out in accordance with the provisions of the Urban Mass Transportation Act of 1964, as amended, and the Federal-Aid Highway Act of 1973, as amended.

(f) If the commission has previously certified that the state share is available for a project, the commission shall direct that payment of the state share be made to the designated recipient within 30 days after federal approval of a proposed transportation project proposal.

(g) Funds allocated by the department for use in the formula program which are unencumbered and unexpended one year after the close of the fiscal year for which the funds were originally allocated shall be transferred at that time by the commission for use in the discretionary program.

Sec. 4. DISCRETIONARY PROGRAM. (a) The commission shall allocate 40 percent of the funds annually credited to the public transportation fund to the discretionary program, which shall be administered by the commission.

(b) Except as provided in Subsection (e) of this section, only, rural and urban areas of the state other than urbanized areas eligible for participation in the formula program are eligible for participation in the discretionary program. Any local government having the power to operate or maintain a public transportation system may be a designated recipient of funds from the discretionary program.

(c) Designated recipients under the discretionary program may use discretionary program funds only to provide 65 percent of the local share requirement of federally funded projects for capital improvements, except that if a designated recipient certifies that federal funds are unavailable for a proposed project and the commission finds that the project is vitally important to the development of public transportation in this state, the commission may supply 50 percent of the total cost of that public transportation project to the designated recipient.

(d) In considering any project under this section, the commission shall take into consideration the need for fast, safe, efficient, and economical public transportation.

(e) Designated recipients in urbanized areas eligible for participation in the formula program and any local government having the power to operate or maintain a public transportation system within an urbanized area are also eligible to apply for and receive funds allocated by the commission for use in the discretionary program which are unexpended and unencumbered one year after the close of the fiscal year for which the funds were originally allocated and all unexpended and unencumbered funds

transferred from the formula program to the discretionary program. The commission shall make grants out of the discretionary fund to designated recipients under the provisions of this section.

**Sec. 5. PUBLIC TRANSPORTATION FUND.** The Public Transportation Fund is established as a special fund in the State Treasury. The Public Transportation Fund may only be used by the State Department of Highways and Public Transportation in carrying out the responsibilities and duties of the commission and the department for public transportation purposes as established under this state law. Grants of money to the state from public and private sources for public transportation shall be deposited in the Public Transportation Fund. On the effective date of this Act, the Comptroller of Public Accounts shall transfer the sum of \$1,000,000 from the General Revenue Fund to the Public Transportation Fund. There is hereby appropriated from the Public Transportation Fund the sum of \$1,000,000 for use by the department for the period from the effective date of this Act through August 31, 1975, and thereafter. On September 1, 1975 and on September 1, 1976, the Comptroller of Public Accounts shall transfer the sum of \$15,000,000 each year from the General Revenue Fund to the Public Transportation Fund. There is hereby appropriated from the Public Transportation Fund the sum of \$15,000,000 for each year of the biennium beginning September 1, 1975, for use by the department for public transportation in the state.

**Sec. 6. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **HOUSE CONCURRENT RESOLUTION 158 ON SECOND READING**

The President laid before the Senate the following resolution:

**H.C.R. 158**, Suspending Joint Rules of the two Houses to consider **H.B. 1217** at any time.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### **HOUSE CONCURRENT RESOLUTION 160 ON SECOND READING**

The President laid before the Senate the following resolution:

**H.C.R. 160**, Authorizing the Conference Committee on **H.B. 2175** to include certain language.



The resolution was read.

Senator Clower asked unanimous consent that the resolution be considered immediately.

There was objection.

Senator Clower moved that the regular order be suspended in order to consider the resolution immediately.

The motion prevailed by the following vote: Yeas 21, Nays 8, Present-Not voting 1.

Yeas: Aikin, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Adams, Andujar, Braecklein, Farabee, Mauzy, McKnight, Mengden and Ogg.

Present-Not voting: Snelson.

Absent-excused: McKinnon.

The resolution was then adopted by the following vote: Yeas 21, Nays 8, Present-Not voting 1.

Yeas: Aikin, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Adams, Andujar, Braecklein, Farabee, Mauzy, McKnight, Mengden and Ogg.

Present-Not voting: Snelson.

Absent-excused: McKinnon.

#### **HOUSE CONCURRENT RESOLUTION 161 ON SECOND READING**

The President laid before the Senate the following resolution:

**H.C.R. 161**, Authorizing Conference Committee on **S.B. 839** to include certain language in the Conference Committee Report.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

**HOUSE BILL 31 ORDERED NOT PRINTED**

On motion of Senator Mauzy and by unanimous consent, **H.B. 31** was ordered not printed.

**HOUSE BILL 1217 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.B. 1217** was ordered not printed.

**HOUSE BILL 1246 ORDERED NOT PRINTED**

On motion of Senator Brooks and by unanimous consent, **H.B. 1246** was ordered not printed.

**CONFERENCE COMMITTEE REPORT ON HOUSE BILL 785 ADOPTED**

Senator Moore called from the President's table the Conference Committee Report on **H.B. 785**. (The Conference Committee Report having been filed with the Senate and read on May 30, 1975.)

On motion of Senator Moore, the Conference Committee Report was adopted by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Schwartz, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Clower, Gammage, Mauzy, Patman, Santicsteban and Sherman.

Absent-excused: McKinnon.

**SENATE BILL 172 WITH HOUSE AMENDMENT**

Senator Mengden called **S.B. 172** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 172**, House 1st printing on page 3, line 4 by striking the phrase "is authorized to" and substituting the word "shall" in lieu thereof.

The House amendment was read.

Senator Mengden moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann,

Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

Absent-excused: McKinnon.

### SENATE BILL 270 WITH HOUSE AMENDMENT

Senator Doggett called S.B. 270 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

### COMMITTEE AMENDMENT NO. 1

Amend S.B. 270 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Sec. 2.318 of the Business & Commerce Code is amended to read as follows:

"Sec. 2.318. **LIABILITY OF MANUFACTURER--LACK OF PRIVITY NO DEFENSE.** ~~[CHAPTER NEUTRAL ON QUESTION OF THIRD PARTY BENEFICIARIES OF WARRANTIES OF QUALITY AND ON NEED FOR PRIVITY OF CONTRACT.]~~

"The lack of privity between plaintiff and defendant shall be no defense in any action brought against the manufacturer of goods to recover damages for breach of warranty, express or implied, or for negligence, although the plaintiff did not purchase the goods from the defendant, if the plaintiff was a person whom the manufacturer might reasonably have expected to use, consume, or be affected by the goods. A manufacturer may not exclude or limit the operation of this section. Failure to give notice shall not bar recovery under this section unless the defendant proves that he was prejudiced thereby. ~~[This chapter does not provide whether anyone other than a buyer may take advantage of an express or implied warranty of quality made to the buyer or whether the buyer or anyone entitled to take advantage of a warranty made to the buyer may sue a third party other than the immediate seller for deficiencies in the quality of the goods. These matters are left to the courts for their determination.]"~~

Sec. 2. Chapter 19, Business & Commerce Code is created to read as follows:

"Sec. 19.01. **DEFINITIONS.** As used in this subchapter:

"(1) 'Retailer' means a person who is engaged in the business of selling, offering to sell, leasing, or offering to lease, goods or services to a consumer.

"(2) 'Goods' means tangible chattels purchased or leased for use.

"(3) 'Services' means work, labor and services purchased or leased for use, including services furnished in connection with the sale or repair of goods.

"(4) 'Manufacturer' means a person engaged in the business of making or producing goods.

"(5) 'Warrantor' means a person making a written express warranty on a consumer product in lieu of, or in addition to, the express warranty made by the manufacturer.

"Sec. 19.02. **RELIEF FOR RETAILERS.** Every manufacturer or other warrantor who makes an express or implied warranty pursuant to a consumer sale within this state, which authorizes a retailer within this state to perform services or repairs under the terms of the express or implied warranty, shall be liable to such retailer in an amount not less than the amount which is charged by such retailer for like services or repairs rendered to retail consumers not entitled to warranty protection. Such retailer may maintain a civil action against the manufacturer or other warrantor

of consumer goods who fails to reimburse the retailer within ninety (90) days of receipt of properly completed warranty repair invoices, provided that the retailer holds valid authorization of the warrantor or manufacturer to perform warranty service, and the invoice submitted by the retailer is for such authorized service or repairs.

"Sec. 19.03. REMEDIES. In a suit filed under Section 19.02 of this Chapter, each retailer who prevails in such civil action shall obtain an amount equal to that normally charged to consumers for like services or repairs performed for retail consumers not entitled to warranty protection, or \$500 (five hundred dollars), whichever is greater.

"Sec. 19.04. COURT COSTS AND ATTORNEY'S FEES. In a suit filed under Section 19.02 of this Chapter, each retailer who prevails shall recover court costs and attorney's fees reasonable in relation to the amount of work actually expended in such suit."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### SENATE BILL 313 WITH HOUSE AMENDMENTS

Senator Gammage called S.B. 313 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Amend S.B. 313 by striking all below the enacting clause and substituting therefor the following:

Section 1. Chapter 13 of Title 28 of Vernon's Texas Civil Statutes is hereby amended by adding thereto a new article, after Article 1169, to be designated Article 1169a, which shall read as follows:

"Art. 1169a. The governing body of any Home Rule City may cause to be prepared a proposed new charter for such city and submit the same to the qualified electors of such city for adoption or rejection, subject to the following provisions:

"(a) . Before approving or ordering an election on a proposed charter, as hereinafter provided, the governing body shall hold public hearings with respect to matters which should or should not be included in a new charter, and all interested citizens shall be entitled to appear at such hearings and be heard. At least three such hearings shall be held. The governing body shall give notice of the date, time and place of each hearing by causing such notice to be published in a newspaper of general

circulation in the city at least fifteen days before the date set for such hearing.

"(b) When a proposed new charter shall have been prepared to the satisfaction of the governing body and the governing body shall have approved the same by ordinance, on three separate readings, a copy thereof shall be filed in the office of the City Clerk or City Secretary as a public record. Thereafter, the governing body shall, by ordinance, order such proposed charter to be submitted at an election at which all resident qualified electors of such city shall be entitled to vote, such election to be held not less than thirty (30) days nor more than ninety (90) days after the passage of said ordinance. The governing body may order that such proposed charter be submitted in separate articles at such election. If the next regular municipal election is to be held during said period, the submission of said proposed charter shall be at such election. Otherwise a special election shall be called for the purpose.

"(c) Except as otherwise provided in this article said election shall be conducted in accordance with applicable provisions of the Texas Election Code.

"(d) Notice of the election for the submission of the proposed charter shall be given by publication of such notice, in some daily newspaper, where available or weekly where not, of general circulation published in said city, two times, the date of the first such publication to be not less than fifteen days before the date set for the election. The form of such notice shall be prescribed by the governing body or as may be otherwise prescribed by law, but shall include a copy of the full text of the proposed charter. The notice shall be at least quarter page in size and included in a general news section of such newspaper.

"(e) The ballot used in said election shall contain a proposition reading as follows: 'Shall the proposed charter for the City of \_\_\_\_\_ be adopted?', and provisions shall be made so that each voter may vote 'Yes' or 'No' on said proposition. If the City Council orders that the proposed charter be submitted in separate articles then separate propositions shall be submitted, reading as follows: 'Shall Article \_\_\_\_ of the proposed charter for the City of \_\_\_\_\_ be adopted?', and provision shall be made so that each voter may vote 'Yes' or 'No' on each proposition.

"(f) If such proposed charter is approved by a majority of the qualified voters voting at said election, it shall become the charter of said city until amended or repealed. No charter shall be considered adopted until an official order has been entered upon the records of said city by the governing body thereof declaring the same adopted. Provided, however, that, regardless of the date of adoption, any proposed charter submitted at an election may include a provision as to the date when the provisions of such charter shall become effective. Until such charter shall have been adopted and become effective, the provisions of such city's previously existing charter shall remain in effect. The adoption of a charter under the provisions of this article shall not operate to invalidate actions taken or obligations incurred by such city under the authority of its previously existing charter.

"(g) When any such charter shall have been adopted and shall become effective, it shall have the full force of law, except only that any provision thereof which is inconsistent with the Constitution or general laws of the State shall be invalid to the extent of such inconsistency.

"(h) This article is cumulative of all other laws concerning the adoption or amendment of city charters.

"(i) No city shall hold an election under the authority of this article more often than once every two years."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**FLOOR AMENDMENT NO. 1**

Amend **S.B. 313**, Second Printing, by striking Subsection (b), Section 1 of the bill and substituting therefor the following:

“(b) When a proposed new charter shall have been prepared to the satisfaction of the governing body and the governing body shall have approved the same by ordinance, adopted on three separate readings by a two-thirds vote of the governing body, a copy thereof shall be filed in the office of the city clerk or city secretary as a public record. Thereafter, the governing body shall, by ordinance order such proposed charter to be submitted at an election at which all resident qualified electors of such city shall be entitled to vote, such election to be held not less than 30 days nor more than 90 days after the passage of said ordinance. The governing body may order that such proposed charter be submitted in separate articles at such election. If the next regular municipal election is to be held during said period, the submission of said proposed charter shall be at such election. Otherwise a special election shall be called for the purpose.”

**FLOOR AMENDMENT NO. 2**

Amend **S.B. 313**, Second Printing, page 2, line 21, by inserting immediately after the words “subject to the following provisions:” a new Subchapter (a) and (b) to read as follows:

“(a) The governing body of the city must submit to the qualified voters of the city the question of whether or not the city will prepare a new charter for submission to the voters. The question shall be submitted to the qualified voters at the next regular city election following the decision of the governing body to prepare a new charter. At the election, the ballots shall be printed to provide for voting for or against the proposition: ‘The preparation of a new city charter by the City of \_\_\_\_\_ for submission to the qualified voters of the city.’

“(b) If a majority of the qualified voters voting at the election vote for the preparation of a new city charter, a new city charter may be prepared, but if a majority of the qualified voters voting at the election vote against the preparation of a new city charter no new city charter may be prepared and no new proposition for the preparation of a new city charter under this Act may be submitted to the qualified voters of the city for at least 36 months after the election at which the qualified voters failed to approve the preparation of a new charter.”

and further amend by renumbering the following subsections appropriately.

**FLOOR AMENDMENT NO. 3**

Amend **S.B. 313**, Second Printing, page 3, line 6, by striking the word “three” and inserting the word “four” in place thereof.

**FLOOR AMENDMENT NO. 4**

Amend **S.B. 313**, Second Printing, page 3, line 6 by adding after the words, “least three such hearings shall be held” a comma and the following, “and in any week, there shall be no more than one hearing held.”

**FLOOR AMENDMENT NO. 5**

Amend **S.B. 313**, Second Printing, page 3, line 6 by inserting after the words “least three such hearings shall be held.” the following:

At least one of the hearings shall be held on a Saturday.

#### FLOOR AMENDMENT NO. 6

Amend **S.B. 313**, Second Printing, by adding a sentence at the conclusion of Subsection (d) as follows:

"In a city of 1,200,000 or more a copy of the proposed charter shall be mailed, at city expense, to each residence wherein at least one registered voter of said city resides, not less than 30 days before the date set for the election."

The House amendments were read.

Senator Gammage moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

Senator Ogg made the substitute motion to concur in the House amendments to the bill.

(Senator Braecklein in Chair)

The motion to concur was lost by the following vote: Yeas 8, Nays 18, Present-Not voting 1.

Yeas: Braecklein, Creighton, Hance, Harris, Jones, Mengden, Ogg and Traeger.

Nays: Aikin, Andujar, Brooks, Clower, Doggett, Farabee, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, Meier, Patman, Santiesteban, Schwartz, Sherman and Williams.

Present-Not voting: Snelson.

Absent: Adams, McKnight and Moore.

Absent-excused: McKinnon.

Question recurring on the motion not to concur in the House amendments, the motion prevailed.

#### RECORD OF VOTES

Senators Ogg and Hance asked to be recorded as voting "Nay" on the motion not to concur.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **S.B. 313** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Gammage, Brooks, Lombardino, Harrington and Williams.

**SENATE BILL 398 WITH HOUSE AMENDMENTS**

Senator Longoria called **S.B. 398** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**AMENDMENT NO. 1**

Amend **S.B. 398**, page 2, lines 18 and 19, engrossed copy by striking the words "Travis County" and substituting the words "the county in which the migrant labor camp is located."

**AMENDMENT NO. 2**

Amend **S.B. 398**, page 3, by striking all of Section 10 and substituting the following:

"Section 10. All decisions of the State Commissioner of Health hereunder may be reviewed in the county or district court of the county in which such migrant labor camp is located or contemplated."

The House amendments were read.

Senator Longoria moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Creighton and Mengden.

Absent-excused: McKinnon.

**SENATE BILL 596 WITH HOUSE AMENDMENT**

Senator Williams called **S.B. 596** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 596** by deleting Subsection (d), and substituting in lieu thereof the following:

(d) Any peace officer commissioned under this Act shall be vested with all the rights, privileges, obligations, and duties of any other peace officer in this state while he is on the property under the control of the airport, or in the actual course and scope of his employment.

The House amendment was read.



Senator Williams moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

### SENATE BILL 722 WITH HOUSE AMENDMENT

Senator Andujar called S.B. 722 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

### COMMITTEE AMENDMENT NO. 1

Amend S.B. 722 by striking all below the enacting clause and substituting the following:

Section 1. Sections 1, 2, 3, and 6, Article 5949, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"1. (a) The Secretary of State of the State of Texas shall appoint a convenient number of Notaries Public to serve each county of the state. Such appointments may be made at any time, and the term ~~[terms]~~ of each appointment ~~[all appointments]~~ shall end two years after the date of qualification of each individual Notary Public ~~[on the first day of June of each odd-numbered year]~~, unless sooner revoked by the Secretary of State.

"(b) The Notaries Public who qualify as of June 1, 1977, shall have the following terms of office, unless sooner revoked by the Secretary of State:

<u>FIRST LETTER</u> <u>OF SURNAME:</u>	<u>TERM TO EXPIRE:</u>
<u>A through B</u>	<u>June 30, 1978</u>
<u>C</u>	<u>July 31, 1978</u>
<u>D through E</u>	<u>August 31, 1978</u>
<u>F through G</u>	<u>September 30, 1978</u>
<u>H through I</u>	<u>October 31, 1978</u>
<u>J through L</u>	<u>November 30, 1978</u>
<u>M</u>	<u>December 31, 1978</u>
<u>N through P</u>	<u>January 31, 1979</u>
<u>Q through R</u>	<u>February 28, 1979</u>
<u>S</u>	<u>March 31, 1979</u>
<u>T through V</u>	<u>April 30, 1979</u>
<u>W through Z</u>	<u>May 31, 1979</u>

"2. To be eligible for appointment as a Notary Public for any county, a person shall be a resident citizen of the United States and of this state and at least eighteen (18) ~~[twenty-one (21)]~~ years of age, and either a resident of the county for which he is appointed, or shall maintain his principal place of business or of employment in such county; provided that any person may be appointed, as hereinabove set out, and shall be authorized to act, in only one county in this state at the same time; provided further that where such person resides within the limits of a county with a population of more than fifty thousand (50,000), according to the last preceding federal census, containing an incorporated city, town or village partially located in another county, said person

may be appointed a Notary Public for either of such counties; and provided further that nothing herein shall invalidate any commission as Notary Public which has been issued and is outstanding at the time this Act becomes effective.

"3. Appointments to the office of Notary Public shall be made as follows:

"Any person desiring appointment as a Notary Public shall make application in duplicate to the county clerk of his county of residence, or the county in which he maintains his principal place of business or of employment ~~[the applicant seeks to act as Notary Public]~~, on forms prescribed by the Secretary of State, which includes his name as it will be used in acting as such Notary Public, his post-office address, his county of residence, his business address, the name of the county in which his business is located, his social security number, ~~[if any]~~, a statement that he has never been convicted of a crime involving moral turpitude, and shall satisfy the clerk that he is at least eighteen (18) ~~[twenty-one (21)]~~ years of age and otherwise qualified by law for the appointment which is sought; provided that if the person is a qualified Notary Public for another county his commission in that county shall be surrendered to the Secretary of State at the time application for the appointment is made. One copy of each application, along with the names of all persons making such application shall be sent in duplicate by the county clerk to the Secretary of State with the certificate of the county clerk that according to the information furnished him, such person is eligible for appointment as Notary Public for such county. The Secretary of State shall act upon all such names submitted at the earliest practicable time and notify the county clerk whether such appointment or appointments have been made. Upon receiving notice from the Secretary of State of such appointments, the county clerk shall forthwith notify all persons so appointed to appear before him within fifteen (15) days from the date of such appointment and qualify as hereinafter provided. The appointment of any person failing to qualify within the time allowed shall be void, and if any such person desires thereafter to qualify, his name shall be resubmitted in the same manner as hereinabove provided."

"6. (a) Any qualified Notary Public whose term is expiring may be reappointed by the Secretary of State without the necessity of the county clerk resubmitting his name to the Secretary of State, provided such appointment is made in sufficient time for such Notary Public to be qualified on the expiration date of the term for which he is then serving; and provided that if any such Notary Public shall permanently remove from the ~~[has removed his residence, or his principal place of business or employment, to a] county [or counties other than the one]~~ for which he has been appointed, his office in such county ~~[or counties]~~ shall be automatically vacated and if he desires to act as a Notary Public in another ~~[such other] county [or counties]~~, his commission ~~[in such county or counties]~~ shall be surrendered to the Secretary of State and his name shall be submitted by the clerk of such other county ~~[or counties]~~ as hereinabove provided.

"(b) Upon receiving notice of reappointment made by the Secretary of State for the next term of office, the ~~[The Secretary of State shall reappoint Notaries Public on May 1 of each odd-numbered year, which reappointment shall be effective June 1 of said year for the next term of office. The]~~ County Clerk of each county shall forthwith notify such persons, who are reappointed from his or her county, to qualify not later than the expiration date of the term for which he is serving, ~~[within the first fifteen (15) days of May of each odd-numbered year]~~ which qualifying shall become effective on the expiration date of his term ~~[as of June 1]~~ and shall not be effective prior thereto. The County Clerk shall give this notification not less than fifteen (15) days prior to the expiration of the person's term. The reappointment of any person who fails to qualify within the time allowed shall be void, and if the person later desires to qualify, his name must be resubmitted in the same manner as provided in Section 3 of this Article.

"(c) Each Notary Public shall notify the Secretary of State and the County Clerk of the county for which he has been appointed of any change of his address within ten (10) days after the change."

Sec. 2. Article 5954, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 5954. **AUTHORITY OF NOTARY: PRINTING OR STAMPING OF NAME UNDER SIGNATURE.** Notaries Public shall have the same authority to take acknowledgments or proofs of written instruments, ~~protest~~ ~~[protests]~~ instruments permitted by law to be protested, administer oaths, and take depositions, as is now or may hereafter be conferred by law upon County Clerks, and provided ~~further~~ that all Notaries Public shall print or stamp their names and the expiration dates of their commissions under their signatures on all such written instruments, ~~protest~~ ~~[protests]~~ instruments, oaths, or depositions; provided further that failure to so print or stamp their names and expiration dates of their commissions under their signatures shall not invalidate such acknowledgment."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Andujar moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### **HOUSE BILL 1674 ORDERED NOT PRINTED**

On motion of Senator Aikin and by unanimous consent **H.B. 1674** was ordered not printed.

#### **SENATE BILL 746 WITH HOUSE AMENDMENT,**

Senator Doggett called **S.B. 746** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 746** by striking all below the enacting clause and substituting the following:

Section 1. Amend Chapter 254, Acts of the 63rd Legislature, Regular Session, 1973 (codified as Art. 3.51-4, Texas Insurance Code) to read as follows:

"Art. 3.51-4. Payment of Premiums of Group Life and Health Insurance Policies for Retirees of the Central Education Agency, The Texas Rehabilitation Commission, ~~and~~ the Coordinating Board, The Texas College and University System, Retired Employees of the Texas Department of Mental Health and Mental Retardation who accepted Retirement under the Teacher Retirement System of Texas, Retired Employees of the Texas Youth Council who accepted Retirement under the Teacher

Sec. 2. Article 5954, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 5954. AUTHORITY OF NOTARY: PRINTING OR STAMPING OF NAME UNDER SIGNATURE. Notaries Public shall have the same authority to take acknowledgments or proofs of written instruments, protest ~~(protests)~~ instruments permitted by law to be protested, administer oaths, and take depositions, as is now or may hereafter be conferred by law upon County Clerks, and provided ~~(further)~~ that all Notaries Public shall print or stamp their names and the expiration dates of their commissions under their signatures on all such written instruments, protest ~~(protests)~~ instruments, oaths, or depositions; provided further that failure to so print or stamp their names and expiration dates of their commissions under their signatures shall not invalidate such acknowledgment."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Andujar moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### HOUSE BILL 1674 ORDERED NOT PRINTED

On motion of Senator Aikin and by unanimous consent **H.B. 1674** was ordered not printed.

#### SENATE BILL 746 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 746** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Amend **S.B. 746** by striking all below the enacting clause and substituting the following:

Section 1. Amend Chapter 254, Acts of the 63rd Legislature, Regular Session, 1973 (codified as Art. 3.51-4, Texas Insurance Code) to read as follows:

"Art. 3.51-4. Payment of Premiums of Group Life and Health Insurance Policies for Retirees of the Central Education Agency, The Texas Rehabilitation Commission, ~~and~~ the Coordinating Board, The Texas College and University System, Retired Employees of the Texas Department of Mental Health and Mental Retardation who accepted Retirement under the Teacher Retirement System of Texas, Retired Employees of the Texas Youth Council who accepted Retirement under the Teacher

Retirement System of Texas, and Retired Employees of the Teacher Retirement System of Texas who accepted Retirement under the Teacher Retirement System of Texas.

"The premium cost of group life, health, accident, hospital, and surgical and/or medical expense insurance for retirees of the Central Education Agency, the Texas Rehabilitation Commission, ~~and~~ the Coordinating Board, Texas College and University System, for retired employees of the Texas Department of Mental Health and Mental Retardation, the Texas Youth Council, and the Teacher Retirement System of Texas who accepted retirement under the Teacher Retirement System of Texas pursuant to Chapter 3, Texas Education Code, shall be paid by the State of Texas, subject to the following limitations and conditions:

"(a) Payment shall be from the funds of the agency, commission, ~~or~~ board or department from which the officer or employee retired, shall be limited to the same amount allowed active employees under current group life and health insurance programs of the agency, commission, ~~or~~ board or department and shall be made in accordance with rules and regulations to be established no later than September 1, 1973, by ~~[such agency, commission or board]~~ the Central Education Agency, the Texas Rehabilitation Commission and the Coordinating Board, Texas College and University System for its respective retirees and no later than September 1, 1975 by the Texas Department of Mental Health and Mental Retardation, the Texas Youth Council and the Teacher Retirement System of Texas for their retired employees who accepted retirement under the Teacher Retirement System of Texas pursuant to Chapter 3, Texas Education Code.

"(b) The agency, commission, ~~and~~ board and department shall certify to the state comptroller of public accounts and to the state treasurer each month the amount required each month to pay the insurance premiums of the said retirees, and the State of Texas shall pay the amount so ascertained each month, beginning September 1, 1973, to ~~[such agency, commission and board]~~ the Central Education Agency, the Texas Rehabilitation Commission and the Coordinating Board, Texas College and University System, and beginning September 1, 1975, to the Texas Department of Mental Health and Mental Retardation and the Texas Youth Council."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### SENATE BILL 748 WITH HOUSE AMENDMENT

Senator Doggett called S.B. 748 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 748**, House First Printing, on line 16 after the word "Commission", by inserting the words "and by the governing body of the taxing unit".

The House amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

**SENATE BILL 883 WITH HOUSE AMENDMENT**

Senator Doggett called **S.B. 883** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 883** by adding on line 24, page 1, after the period a sentence as follows:

""Bicycle' as used herein means a non-motorized vehicle propelled by human power."

The House amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

**SENATE BILL 1110 WITH HOUSE AMENDMENTS**

Senator Doggett called **S.B. 1110** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 1110**, page 1, line 7, by striking the word "County" after "Gonzales", and substituting therefor the following:  
"and Travis counties".

**COMMITTEE AMENDMENT NO. 2**

Amend the caption of **S.B. 1110** by striking the word "County" on line 3 after the word "Gonzales," and substituting therefor the following:  
"and Travis Counties".

The House amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

**SENATE BILL 880 WITH HOUSE AMENDMENTS**

Senator Adams called **S.B. 880** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**FLOOR AMENDMENT NO. 1**

Amend **S.B. 880**, Second Printing, by:

Striking on page 44, the entirety of lines 26 through 27, and on page 45, the entirety of lines 1 through 23, and substituting therefor the following:

"(d) 'Title attorney' means any attorney who (1) is a member in good standing of the State Bar of Texas; and (2) owns one or more shares of stock in the attorney's title insurance company by whom he is appointed a title attorney under this section; and (3) is actively engaged in the practice of law; and (4) owns or leases and controls an abstract plant as defined by the board, or is a participant in a bona fide joint plant operation as defined by the board, or has a contract to obtain title information from an abstract plant licensed by the board (which said contract is upon the form promulgated by the board and the portion of the premium to be paid to the owner or the operator of said abstract plant has been approved by the board), or who is the appointed title attorney for an attorney's title insurance company and bases his title opinion upon title evidence furnished from an abstract plant approved by the board and owned or leased and controlled by such attorney's title insurance company, except that in the event any attorney does not own or lease and control a licensed abstract plant nor is a participant in a bona fide joint plant operation and is further unable to contract to obtain title information from an abstract plant licensed by the board and located in the county in which such attorney is a resident, such attorney may satisfy the requirements of this Subsection (4) by filing with the board disclosure of the inability to obtain said contract as a part of his license application upon a form prescribed by the board so as to make such disclosure a part of the application; and (5) appointed as a title attorney by an attorney's title insurance company by contract making such arrangements for division of premium as may be approved by the board under this chapter and authorized by such attorney's title insurance company to solicit insurance and collect premiums and to issue or countersign policies in its behalf; and (6) is certified as such to the State

**COMMITTEE AMENDMENT NO. 2**

Amend the caption of **S.B. 1110** by striking the word "County" on line 3 after the word "Gonzales," and substituting therefor the following:  
"and Travis Counties".

The House amendments were read.

Senator Doggett moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

**SENATE BILL 880 WITH HOUSE AMENDMENTS**

Senator Adams called **S.B. 880** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**FLOOR AMENDMENT NO. 1**

Amend **S.B. 880**, Second Printing, by:

Striking on page 44, the entirety of lines 26 through 27, and on page 45, the entirety of lines 1 through 23, and substituting therefor the following:

"(d) 'Title attorney' means any attorney who (1) is a member in good standing of the State Bar of Texas; and (2) owns one or more shares of stock in the attorney's title insurance company by whom he is appointed a title attorney under this section; and (3) is actively engaged in the practice of law; and (4) owns or leases and controls an abstract plant as defined by the board, or is a participant in a bona fide joint plant operation as defined by the board, or has a contract to obtain title information from an abstract plant licensed by the board (which said contract is upon the form promulgated by the board and the portion of the premium to be paid to the owner or the operator of said abstract plant has been approved by the board), or who is the appointed title attorney for an attorney's title insurance company and bases his title opinion upon title evidence furnished from an abstract plant approved by the board and owned or leased and controlled by such attorney's title insurance company, except that in the event any attorney does not own or lease and control a licensed abstract plant nor is a participant in a bona fide joint plant operation and is further unable to contract to obtain title information from an abstract plant licensed by the board and located in the county in which such attorney is a resident, such attorney may satisfy the requirements of this Subsection (4) by filing with the board disclosure of the inability to obtain said contract as a part of his license application upon a form prescribed by the board so as to make such disclosure a part of the application; and (5) appointed as a title attorney by an attorney's title insurance company by contract making such arrangements for division of premium as may be approved by the board under this chapter and authorized by such attorney's title insurance company to solicit insurance and collect premiums and to issue or countersign policies in its behalf; and (6) is certified as such to the State



Board of Insurance; and (7) is licensed by the board as a title attorney for such attorney's title insurance company."

#### FLOOR AMENDMENT NO. 2

Amend **S.B. 880**, Second Printing by:

Striking on page 50, the entirety of lines 2 through 27, and on page 51, the entirety of lines 1 through 4, and substituting therefor the following:

"Section 7. Authority of Title Attorney.

"(a) A duly licensed title attorney may issue policies of title insurance for an attorney's title insurance company only if: (i) such title attorney is an appointed title attorney for an attorney's title insurance company; and (ii) such title attorney bases each title opinion upon separate and current title evidence furnished by a licensed abstract plant of the records of the county in which the real property, the title to which is to be insured, is located; and (iii) if such title attorney does not own or lease and control a licensed abstract plant and does not participate in a bona fide joint plant operation, such title attorney pays to the licensed abstract plant furnishing the title information the portion of the premium which may be agreed upon between the title attorney and the licensed abstract plant and approved by the board under the contract to furnish title information provided for under Paragraph (b) of this Section 7.

"(b) The board shall, not later than January 1, 1976, promulgate the form of the contract to be made and entered into between a title attorney and a licensed abstract plant whereby title information shall be furnished by a licensed abstract plant to a title attorney. Such contract shall state therein the standards for the information which is to be furnished. Contracts shall be entered into between each title attorney and each licensed abstract plant. The board may from time to time alter, change or amend the form of such contract.

"The parties to any such contract shall determine the portion of the premium to be paid by the title attorney to the licensed abstract plant, except that the board is authorized to any may disapprove any division of the premium which the board finds to be excessive or inadequate. Such portion of the premium to be paid to the licensed abstract plant shall be deemed and considered as the 'regular charge' for title information as that term is used in Art. 9.34 of this Chapter 9. Within ten days following execution, the parties to each such contract shall file a copy of the executed contract with the board. Each such contract shall be deemed to be approved as to the division of the premium until the parties are notified of disapproval by the board.

"(c) In the event a title attorney does not own or lease and control a licensed abstract plant nor is a participant in a bona fide joint plant operation and is unable to contract with a licensed abstract plant to obtain the required title information in the county in which the real property, the title to which is to be insured, is located, such title attorney may deliver (but not issue) title insurance policies in conformity with the provisions of Art. 9.34 of this Chapter 9. Likewise, a title attorney may deliver (but not issue) a title insurance policy upon real property in conformity with the provisions of Art. 9.34 of this Chapter 9 when based upon a duly certified abstract of title prepared by a licensed abstract plant covering the particular real property from the sovereignty of the soil to the date of the transaction.

"(d) Each annual audit of each title attorney shall include therein disclosure of the payments for title information and to whom such payments were made."

The House amendments were read.

Senator Adams moved to concur in the House amendments.

The motion prevailed.

**SENATE BILL 912 WITH HOUSE AMENDMENT**

Senator Ogg called **S.B. 912** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 912** by amending Section 1 to hereafter read as follows:

Section 1. Article 3.39, Part II, Section A, Subsection 1, Texas Insurance Code, is amended to read as follows:

"1. First Liens Upon Real Estate.

"First liens upon real estate, the title to which is valid and the value of which is at least one-third more than the amount loaned thereon; provided, however, that the aggregate amount of loans secured by first liens on real estate to any one corporation, company, partnership, individual or any affiliated person or group may not exceed ten (10%) percent of the admitted assets of such insurer, and provided further, that the amount of any such single loan secured by a first lien on real estate may not exceed five (5%) percent of the admitted assets of the insurer. The limitation provided by this subsection shall not apply to any first lien on real estate where the Commissioner of Insurance finds that: (1) the making or acquiring of such lien is beneficial to and protects the interests of the insurer and (2) no substantial damage to the policyholders and creditors of such insurer appears probable from the taking or acquiring of such lien."

The House amendment was read.

Senator Ogg moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Traeger and Williams.

Nays: Adams, Hance, Mauzy, Moore, Patman, Sherman and Snelson.

Absent-excused: McKinnon.

(President in the Chair)

**SENATE BILL 940 WITH HOUSE AMENDMENT**

Senator Clower called **S.B. 940** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 940** by changing Section 11.17 on pages 43 and 44 to read as follows:

"Section 11.17. EXEMPTION FROM SECURITIES LAWS. Credit unions, their officers, employees, and agents in the sale, issuance, or offering of savings and share accounts of any credit union and their deposit and share accounts, whether state or federally chartered, are exempt from the registration provisions of the laws of this

state, other than this Act, which provide for the supervision, registration, or regulation in connection with the sale, issuance, or offering of securities as the term is defined in Section 4, Securities Act, as amended (Article 581-4, Vernon's Texas Civil Statutes). The sale, issuance, or offering of any such accounts or shares is legal without any action or approval on the part of any official, other than the credit union commissioner, authorized to license, regulate, or supervise the sale, issuance, or offering of securities."

The House amendment was read.

Senator Clower moved to concur in the House amendment.

The motion prevailed.

#### **SENATE CONCURRENT RESOLUTION 102 ON SECOND READING .**

Senator Aikin offered the following resolution:

**S.C.R. 102**, Suspending Senate, House and Joint Rules to permit Conference Committee on **S.B. 52** to consider and act on certain matters.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### **SENATE BILL 1034 WITH HOUSE AMENDMENTS**

Senator Mauzy called **S.B. 1034** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### **COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 1034** by striking all of Section 6 and renumbering the succeeding sections accordingly.

#### **COMMITTEE AMENDMENT NO. 2**

Amend **S.B. 1034** by replacing the comma at the end of line 9, page 1 with a semicolon, and striking from line 10, page 1 the words "and adding Section 95.05;"

The House amendments were read.

Senator Mauzy moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### **SENATE BILL 1036 WITH HOUSE AMENDMENTS**

Senator Harris called **S.B. 1036** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### **AMENDMENT NO. 1**

Amend **S.B. 1036**, Section 1 by striking all the language after the semicolon and substituting therefor a comma and the following:

"provided if the building is an apartment building designed for permanent occupancy it provides a front and rear means of exit at least one of which may be less than a door but must be large enough for the exit of an adult person."

#### **AMENDMENT NO. 2**

Amend **S.B. 1036** at page 3, line 5 by striking the period and replacing it with a semicolon and adding the following language:

"and if the building is an apartment building designed for permanent occupancy it provides two means of entrance and exit at least one of which may be less than a door but must be large enough for the exit of an adult person."

#### **AMENDMENT NO. 3**

Amend Section 6 of **S.B. 1036** by striking all language in that section and substituting in lieu thereof the following:

"Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the rule is hereby suspended."

The House amendments were read.

Senator Harris moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1036** before the appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Harris, Clower, Williams, Ogg and Mengden.

#### **SENATE CONCURRENT RESOLUTION 103 ON SECOND READING**

Senator McKnight offered the following resolution:

**S.C.R. 103**, Suspending Joint Rules of both Houses in order that **H.B. 188** might be considered at any time.

The resolution was read.

On motion of Senator McKnight and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 20, Nays 10.

Yeas: Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones, Lombardino, Longoria, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Adams, Aikin, Andujar, Gammage, Harrington, Kothmann, Mauzy, Mengden, Patman and Williams.

Absent-excused: McKinnon.

#### **SENATE BILL 1113 WITH HOUSE AMENDMENT**

Senator Williams called **S.B. 1113** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### **CALENDAR COMMITTEE AMENDMENT NO. 1**

Amend Senate Bill 1113 by striking Section 1 in its entirety and substituting the following:

"Section 1. All proceedings and actions had and taken by the Board of Directors of Northwest Harris County Public Utility District No. 3 in adding or annexing land as relating to Harris County Public Road, known as Farm-to-Market Road #149, Fallbrook Drive, Antoine Drive, West Road, and Bingle Drive, and all proceedings and actions relating to same are hereby in all things and all respects ratified, confirmed, approved, and validated, notwithstanding that any of the aforementioned proceedings and actions may not in all respects have been had in accordance with statutory provisions. The provisions of this Act shall not apply to any litigation questioning the legality of the governmental acts, orders, resolutions, contracts, and other instruments hereby validated if such litigation is ultimately determined against the legality thereof; nor shall this Act be construed as validating any proceedings which may have been nullified by a final judgment of a court of competent jurisdiction.

The House amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy

Absent-excused: McKinnon.

#### **SENATE BILL 1119 WITH HOUSE AMENDMENT**

Senator Sherman called **S.B. 1119** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### **CALENDAR COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 1119** on lines nine (9) and ten (10) by deleting "and shall be in an amount not less than the annual salary of the county assessor-collector of taxes", and inserting in lieu thereof, "and shall not exceed the annual salary of the county judge."

The House amendment was read.

Senator Sherman moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKinnon.

#### **SENATOR ANNOUNCED PRESENT**

Senator McKinnon who had previously been recorded as "Absent-excused" was announced "Present".

#### **SENATE BILL 466 WITH HOUSE AMENDMENTS**

Senator Schwartz called **S.B. 466** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### **COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 466** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 5 of the Insurance Code, as amended, is amended by adding Subchapter J to read as follows:

**"SUBCHAPTER J. PROFESSIONAL LIABILITY INSURANCE FOR PHYSICIANS, PODIATRISTS AND HOSPITALS.**

"Article 5.82. RATING PROCEDURES.

"Section 1. SCOPE OF ARTICLE. This article shall apply to the making and use of insurance rates by every insurer licensed to write or engage in writing professional liability insurance for any person licensed to practice medicine or podiatry in this state or any hospital licensed under the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), including ratings organizations acting on behalf of insurers.

"Section 2. RATE STANDARDS. Rates shall be made in accordance with the following provisions:

"(a) To the extent deemed credible, consideration shall be given to past and prospective loss experience within this state and if the loss experience within this state is not credible, then due consideration may be given to past and prospective loss experience outside this state, to a reasonable margin for underwriting profit and contingencies, to dividends or savings allowed or returned by insurers to their policyholders or members, to past and prospective expenses both countrywide and those specifically applicable to this state and to all other relevant factors, including trend factors, within and outside this state.

"(b) Risks may be grouped by classifications, by rating schedules or by any other reasonable methods, for the establishment of rates. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any difference among risks that can be demonstrated to have a probable effect upon losses or expenses.

"(c) Rates shall be reasonable and shall not be excessive, inadequate, as herein defined, nor shall they be unfairly discriminatory. No rate shall be held to be excessive unless such rate is unreasonably high for the insurance coverage provided and a reasonable degree of competition does not exist in the area with respect to the classification to which such rate is applicable.

"No rate shall be held to be inadequate unless such rate is unreasonably low for the insurance coverage provided and is insufficient to sustain projected losses and expenses; or unless such rate is unreasonably low for the insurance coverage provided and the use of such rate has or, if continued, will have the effect of destroying competition or creating a monopoly.

"Section 3. FILING OF RATES.

"(a) On or before the effective date thereof every authorized insurer and every licensed rating organization which has been designated by an insurer for the filing of rates shall file with the State Board of Insurance all rates and supplementary rate information and all changes and amendments thereof made by it for use in this state.

"(b) If the State Board of Insurance has good cause to believe that any insurer or rating organization is using rates, rating plans, or rating systems not in compliance with the requirements and standards of this article, it shall give notice in writing to such insurer or rating organization stating therein in which manner and to what extent such noncompliance is alleged to exist and specifying therein a reasonable time, not less than thirty (30) days thereafter, in which noncompliance shall be corrected. Notices under this subsection shall be confidential as between the State Board of Insurance and the parties.

"(c) Nothing contained in this article or Chapter 5, Subchapter B of the Insurance Code concerning the regulation of rates, rating plans, and rating classifications shall, as applies to the writing of professional liability insurance for licensed hospitals, podiatrists and physicians, give the Board the power to prescribe uniform or absolute rates; nor shall anything therein be construed as preventing the filing of different rates for risks in a given classification or modified rates for individual risks made in accordance with rating plans, as filed by different insurers or organizations authorized to file such rates. As used in this subsection, 'absolute rates' mean rates, rating classifications, or rating plans filed by an insurer or authorized

rating organization in accordance with Chapter 5, Subchapter B, Insurance Code, which rates, rating classifications or rating plans so filed are required to be used, to the exclusion of all others, by each insurer lawfully engaged in writing policies of insurance.

"Section 4. **TIME FOR FILING CLAIMS.** Notwithstanding any other law, no claim against a person or hospital covered by a policy of professional liability insurance covering a person licensed to practice medicine or podiatry in this state or a hospital licensed under the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), whether for breach of express or implied contract or tort, for compensation for a medical treatment or hospitalization may be commenced unless the action is filed within two (2) years of the breach or the tort complained of or from the date the medical treatment that is the subject of the claim or the hospitalization for which the claim is made is completed, except that a minor under the age of six (6) years shall have until their eighth (8th) birthday in which to file, or have filed on their behalf, such claim. Except as herein provided, this section applies to all persons regardless of minority or other legal disability.

"Section 5. **REPORTING OF CLAIMS AND CLAIMS INFORMATION.** Each insurer who issues policies of professional liability insurance covering persons licensed to practice medicine or podiatry in this state or hospitals licensed under the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes), shall file annually with the State Board of Insurance a report of all claims and amount of claims, amounts of claims reserves, information relating to amounts of judgments and settlements paid on claims, and other information required by the Board. The Board is hereby empowered to formulate and promulgate a form upon which such information shall be reported. The form shall be so devised as to require the information to be reported in an accurate manner, reasonably calculated to facilitate interpretation.

"Section 6. **ANNUAL PREMIUMS.** Policies of professional liability insurance under this article shall be written on not less than an annual premium basis.

"Section 7. **NOTICE OF CANCELLATION OR NONRENEWAL.** An insurer who issues a policy of professional liability insurance covered by this article shall give at least ninety (90) days' written notice to an insured if premiums on the insurance are to be increased or the policy is to be cancelled or nonrenewed other than for nonpayment of premiums or because the insured is no longer licensed. If the premiums are to be increased, the notice shall state the amount of the increase, and if the policy is to be cancelled or nonrenewed, the insurer shall state in the notice the reason for cancellation.

"Section 8. **MAINTENANCE TAX.** Insurance written pursuant to this subchapter shall also be subject to the provisions of Article 5.24 of this code.

"Section 9. This Act shall take effect upon its passage and expire on December 31, 1977, except that causes of action accruing during the effective life of this Act shall be filed pursuant to the provisions of Section 4 hereof.

"Section 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

#### COMMITTEE AMENDMENT NO. 2

Amend amendment to **S.B. 466** by: adding "or certified to administer anesthesia" after the word "podiatry" in Section 1;

adding "and certified anesthetists" following the word "physicians" in Section 3(c);



adding "or certified to administer anesthesia" after the word "podiatry" in Section 4; and  
adding "or certified to administer anesthesia" following the word "podiatry" in Section 5.

### COMMITTEE AMENDMENT NO. 3.

Amend amendment to **S.B. 466** by deleting Section 8 and substituting in lieu thereof the following:

"Section 8. MAINTENANCE TAX AND OTHER PROVISIONS.

"(a) Insurance written pursuant to this Subchapter shall also be subject to the provisions of Article 5.24, Texas Insurance Code.

"(b) The State Board of Insurance shall make necessary rules and regulations to effectuate the purposes of this article."

### COMMITTEE AMENDMENT NO. 4

Amend amendment to **S.B. 466** by deleting Section 3 and substituting in lieu thereof the following:

"Section 3. FILING OF RATES

"(a) The provisions of Article 5.15, Texas Insurance Code, shall apply to the filing of rates and rating information required under this Article.

"(b) Nothing contained in this Article or Chapter 5, Subchapter B of the Insurance Code concerning the regulation of rates, rating plans, and rating classifications shall, as applies to the writing of professional liability insurance for licensed hospitals, podiatrists and physicians, give the Board the power to prescribe uniform or absolute rates; nor shall anything therein be construed as preventing the filing of different rates for risks in a given classification or modified rates for individual risks made in accordance with rating plans, as filed by different insurers or organizations authorized to file such rates. As used in this subsection, 'absolute rates' mean rates, rating classifications, or rating plans filed by an insurer or authorized rating organization in accordance with Chapter 5, Subchapter B, Insurance Code, which rates, rating classifications or rating plans so filed are required to be used, to the exclusion of all others, by each insurer lawfully engaged in writing policies of insurance.

"(c) The provisions of Article 5.18 of this chapter shall apply to this subchapter."

The House amendments were read.

(Senator Aikin in the Chair)

Senator Schwartz moved to concur in the House amendments.

Senator Jones made the substitute motion that the Senate do not concur in the House amendments.

The motion was lost.

Question recurring on the motion to concur in the House amendments, the motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban,

Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Farabee, Hance, Harris and Jones.

### SENATE BILL 491 WITH HOUSE AMENDMENTS

Senator Schwartz called **S.B. 491** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

### COMMITTEE AMENDMENT NO. 1

Amend **S.B. 491** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 21, Insurance Code, as amended, is amended by adding Article 21.49-3 to read as follows:

"Section 1. This Act shall be known as the 'Texas Medical Liability Insurance Underwriting Association Act.'

"Section 2. DEFINITIONS. (1) 'Medical liability insurance' means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence in rendering professional service by one licensed to practice medicine or podiatry in this state or any hospital licensed under the Texas Hospital Licensing Law, as amended (Article 4437f, Vernon's Texas Civil Statutes).

"(2) 'Association' means the joint underwriting association established pursuant to the provisions of this article.

"(3) 'Net direct premiums' means gross direct premiums written on automobile liability and liability other than auto insurance written pursuant to the provisions of the Insurance Code, less policyholder dividends, return premiums for the unused or unabsorbed portion of premium deposits and less return premiums upon cancelled contracts written on such liability risks.

"(4) 'Board' means the State Board of Insurance of the State of Texas.

"Section 3. JOINT UNDERWRITING ASSOCIATION. (a) A joint underwriting association is hereby created, consisting of all insurers authorized to write and engaged in writing, within this state, on a direct basis, automobile liability and liability other than auto insurance on or after January 1, 1975, as provided in the Insurance Code, specifically including and applicable to Lloyds and reciprocal or interinsurance exchanges, but excluding farm mutual insurance companies as authorized by Chapter 16 of this code, and county mutual insurance companies as authorized by Chapter 17 of this code. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance in this state. The purpose of the association shall be to provide medical liability insurance on a self-supporting basis.

"(b) The association shall, pursuant to the provisions of this article and the plan of operation with respect to medical liability insurance, have the power on behalf of its members:

"(1) to issue, or to cause to be issued, policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation; provided that no individual or organization may be insured by policies issued by the association for an amount exceeding \$300,000.

"(2) to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions;

"(3) to assume reinsurance from its members; and

"(4) to cede reinsurance.

"(c) (1) The board shall, after consultation with the joint underwriting association, representatives of the public, the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association and other affected individuals and organizations, promulgate of plan of operation consistent with the provisions of this article, to become effective and operative no later than 90 days after the effective date of this Act.

"(2) The plan of operation shall provide for economic, fair, and nondiscriminatory administration and for the prompt and efficient provision of medical liability insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers and procedures for determining amounts of insurance to be provided by the association.

"(3) The plan of operation shall provide that any profit achieved after reimbursement of members' contributions in accordance with Section 4(2)(e) of this article by the association shall be added to the reserves of the association.

"(4) Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the board, or shall be made at the direction of the board.

"Section 4. PROCEDURES. (a) (1) Any licensed physician, licensed podiatrist or hospital shall, on or after the effective date of the plan of operation, be entitled to apply to the association for such coverage. Such application may be made on behalf of an applicant by an agent authorized pursuant to Article 21.14 of this code.

"(2) If the association determines that the applicant meets the underwriting standards of the association as prescribed in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance (as shown by the insured having failed to pay or make written objection to premium charges within thirty (30) days after billing) then the association, upon receipt of the premium, or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical liability insurance for a term of one year.

"(b) (1) The rates, rating plans, rating rules, rating classifications, territories, and policy forms applicable to the insurance written by the association and statistics relating thereto shall be subject to Subchapter B of Chapter 5 of the Insurance Code, as amended, giving due consideration to the past and prospective loss and expense experience for medical professional liability insurance within and without this state of all of the member companies of the association, trends in the frequency and severity of losses, the investment income of the association, and such other information as the board may require; provided, that if any article of the above subchapter is in conflict with any provision of this Act, this Act shall prevail.

"(2) Within such time as the board shall direct, the association shall submit, for the approval of the board pursuant to Article 5.15 of the Insurance Code, an initial filing, in proper form, of policy forms, classifications, rates, rating plans, and rating rules applicable to medical liability insurance to be written by the association.

"(3) Any deficit sustained by the association in any one year shall be recouped, pursuant to the plan of operation and the rating plan then in effect, by one or more of the following procedures:

"(A) an assessment upon the policyholders;

"(B) a rate increase applicable prospectively;

"(C) a credit against premium taxes under Article 7064, Revised Civil Statutes of Texas, 1925, as amended. The tax credit shall be allowed at a rate of 20 percent per year for five successive years following the date of said deficit and at the

option of the insurer may be taken over an additional number of years.

"(4) After the initial year of operation, rates, rating plans and rating rules, and any provision for recoupment should be based upon the association's loss and expense experience, together with such other information based upon such experience as the board may deem appropriate. The resultant premium rates shall be on an actuarially sound basis and shall be calculated to be self-supporting.

"(5) In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided in Paragraph (c) of Subsection (2) of this section, all members shall, on a basis authorized by the board, as long as the board deems it necessary, contribute to the financial requirements of the association in the manner provided for in Section (5). Any such contribution shall be reimbursed to the members with interest at a rate to be approved by the board following recoupment as provided in Paragraph (c) of Subsection (2) of this section.

"Section 5. PARTICIPATION. All insurers which are members of the association shall participate in its writings, expenses, profits, and losses in the proportion that the net direct premiums, as defined herein, of each such member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. Each insurer's participation in the association shall be determined annually on the basis of such net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer that may be required by the board. No member shall be obligated in any one year to reimburse the association on account of its proportionate share in the deficit from operations of the association in that year in excess of one percent of its surplus to policyholders and the aggregate amount not so reimbursed shall be reallocated among the remaining members in accordance with the method of determining participation prescribed in this subdivision, after excluding from the computation the total net direct premiums of all members not sharing in such excess deficit. In the event that the deficit from operations allocated to all members of the association in any calendar year shall exceed one percent of their respective surplus to policyholders, the amount of such deficit shall be allocated to each member in accordance with the method of determining participation prescribed in this subdivision.

"Section 6. DIRECTORS. The association shall be governed by a board of nine directors, to be elected annually by the members of the association. On or before 15 days after the effective date of this Act, the State Board of Insurance shall appoint a temporary board of directors of the association which shall consist of nine members who are representatives of the association, selected so as to fairly represent various classes of member insurers and organizations of insurers. Such temporary board of directors shall serve until the first annual meeting of the members of the association or until their successors have been elected in accordance with this section. The first elected board shall be elected at the annual meeting of the members, or their authorized representatives, which shall be held at a time and place designated by the board.

"Section 7. APPEALS. (a) Any person insured or applying for insurance pursuant to this Act, or his duly authorized representative, or any affected insurer who may be aggrieved by an act, ruling, or decision of the association, may, within 30 days after such act, ruling, or decision, appeal to the board of directors of the association. The board of directors of the association shall hear said appeal within 30 days after receipt of such appeal and shall give not less than 10 days' written notice of the time and place of hearing to the person making such request or the duly authorized representative. Within 10 days after such hearing, the board of directors of the association shall affirm, reverse, or modify its previous action or the act, ruling, or decision appealed to the board of directors of the association.

"(b) In the event any person insured or applying for insurance is aggrieved by the final action of the board of directors of the association or in the event the

association is aggrieved by the action of the board with respect to any ruling, order, or determination of the board of directors of the association or the board, the aggrieved party may, within 30 days after such action, make a written request to the board for a hearing thereon. The board shall hear the association, or the appeal from an act, ruling, or decision of the association, within 30 days after receipt of such request or appeal and shall give not less than 10 days' written notice of the time and place of hearing to the association making such request or the person, or his duly authorized representative, appealing from the act, ruling, or decision of the board of directors of the association. Within 30 days after such hearing, the board shall affirm, reverse, or modify its previous action or the act, ruling, or decision appealed to the board. Pending such hearing and decision thereon, the board may suspend or postpone the effective date of its previous rule or of the act, ruling, or decision appealed to the board. The association, or the person aggrieved by any order or decision of the board, may thereafter appeal in accordance with Article 1.04(f) of the Insurance Code of Texas.

"Section 8. **PRIVILEGED COMMUNICATIONS.** There shall be no liability on the part of, and no cause of action of any nature shall arise against the association, its agents or employees an insurer, any licensed agent, or the board or its authorized representatives, for any statements made in good faith by them in any reports or communications, concerning risks insured or to be insured by the association, or at any administrative hearings conducted in connection therewith.

"Section 9. **ANNUAL STATEMENTS.** The association shall file in the office of the board, annually on or before the first day of March, a statement which shall contain information with respect to its transactions, condition, operations, and affairs during the preceding calendar year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the board. The board may, at any time, require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation, and experience of the association.

"Section 10. **EXAMINATIONS.** The board shall make an examination into the affairs of the association at least annually. Such examination shall be conducted, the report thereon filed, and expenses borne and paid for, in the manner prescribed in Articles 1.15 and 1.16 of the Insurance Code.

"Section 11. **DISSOLUTION OF THE ASSOCIATION.** Upon the effective date of this article, the board shall, after consultation with the joint underwriting association, representatives of the public, the Texas Medical Association, the Texas Podiatry Association, the Texas Hospital Association, and other affected individuals and organizations, promulgate a plan of dissolution consistent with the provisions of this article, to become effective and operative on the expiration of this Act. The plan of dissolution shall contain provisions for maintaining reserves for losses which may be reported subsequent to the expiration of all policies in force. If, at the expiration of five years and annually thereafter, if necessary, from the expiration date of this Act the board finds, after notice and hearing, that all known claims have been paid or otherwise disposed of by the association, then the board may wind up the affairs of the association by distributing to the members of the association any profits remaining after payment to a special fund created by the statutory liquidator of the board a reasonable reserve to be administered by said liquidator for unknown claims. If such reserve fund proves inadequate, the association shall be treated as an insolvent insurer in respect to the application of the provisions of Article 21.28-C, Property and Casualty Insurance Guaranty Act, Insurance Code. Notice of claim shall be made upon the board."

**Sec. 2. MEDICAL PROFESSIONAL LIABILITY STUDY COMMISSION.**

(a) There is created a medical professional liability study commission to consist of the following members:

- (1) the lieutenant governor, or his designee;
  - (2) the speaker of the Texas House of Representatives, or his designee;
  - (3) one senator who shall be a member of the Senate Economic Development Committee, to be appointed by the lieutenant governor;
  - (4) one representative who shall be a member of the House Insurance Committee, to be appointed by the speaker;
  - (5) two representatives of the joint underwriting association established in this bill, to be appointed by the chairman of the board of directors;
  - (6) two persons licensed to practice medicine in Texas, to be appointed or designated by the president of the Texas Medical Association;
  - (7) two persons licensed to practice law in Texas, to be appointed or designated by the president of the State Bar of Texas;
  - (8) two licensed insurance agents, one to be appointed or designated by the president of the Texas Association of Insurance Agents and one member to be appointed by the president of the Insurance Counselors of Texas.
  - (9) two hospital administrators, to be appointed or designated by the Texas Hospital Association; and
  - (10) two individuals not associated with any of the above associations, to be appointed by the governor;
  - (11) two members representing the two insurers which would have the largest assessment under "Section 5" of this Act.
- (b) The commission shall meet and organize before August 1, 1975. Appointments or designations shall be made by an authorized official or public official by notifying in writing the chairman of the board of directors of the association, with a copy to the Secretary of State of Texas. The lieutenant governor or his designee or a member of the commission appointed by the lieutenant governor shall serve as chairman. The commission shall meet at least twice in calendar year of 1975 and at least four times annually thereafter, or more often as the commission considers necessary to carry out its purposes.
- (c) The legislative council shall provide staff assistance to the commission if necessary.
- (d) The Commissioner of Insurance shall provide all information and reports at his disposal which the commission requests.
- (e) No member of the commission shall be entitled to any compensation, except all reasonable travel and other expenses shall be paid to the commission members. Any commission member who is a member of the legislature shall be entitled to reimbursement of his expenses from the appropriate contingent expense fund.
- (f) The commission is authorized to employ such staff as it sees fit to carry out its functions.
- (g) The commission shall have authority to adopt reasonable rules and regulations in relation to such items as meetings, quorums, voting, and other matters relating to the orderly conduct of its business.
- (h) The commission shall make specific recommendations, including proposed legislation to the governor, lieutenant governor, speaker, legislative council and members of the legislature on or before December 1, 1976. The report shall offer specific recommendations regarding the professional liability problem. In addition, the report shall include, but not be limited to, discussions of the following topics:
- (1) the scope and extent of the medical professional liability problem;
  - (2) reasons for the increase in such claims;
  - (3) effects of the rise in such claims on physicians and health care providers, including the increased use of defensive medicine and increased premium costs;
  - (4) effect of claims increase on patients, including increased costs;
  - (5) alternative approaches and proposed solutions to this problem;
  - (6) review of comparable law on compensation commissions, arbitration panels, screening panels, and recommendations regarding use;

(7) review of existing and proposed laws governing compensation and the amount of compensation to patients, including the time within which claims may be brought and the elements of loss for which compensation may be recovered;

(8) the existing tort law in the area of concern and recommendations for change, if any;

(9) any other matters or procedures which the commission considers relevant to its report.

(c) This commission shall expire on the last day of the regular session of the 65th Legislature.

Sec. 3. **EFFECTIVE DATE.** This Act shall take effect upon its passage; provided, however, that after December 31, 1977, no new policies will be issued by the association. All then issued policies shall continue in force until their expiration.

Sec. 4. **EMERGENCY CLAUSE.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### COMMITTEE AMENDMENT NO. 2

Amend Committee Amendment No. 1, **S.B. 491**, Second Printing, page 7, lines 5 through 10, Subparagraph (C) of Paragraph (3) in Subsection (b) of Section 4 by striking all of same and substituting in lieu thereof the following:

"(C) a credit against premium taxes under Article 7064, Revised Civil Statutes of Texas, 1925, as amended. The tax credit shall be allowed at a rate of 20% per year for five successive years following the year in which said deficit was sustained and at the option of the insurer may be taken over an additional number of years."

#### COMMITTEE AMENDMENT NO. 3

Amend Committee Amendment No. 1, **S.B. 491**, Second Printing, page 7, lines 18 through 27, Paragraph (5) in Subsection (b) of Section 4 by striking all of same and substituting in lieu thereof the following:

"(5) In the event that sufficient funds are not available for the sound financial operation of the association, in addition to assessments paid pursuant to the plan of operation in accordance with Section (3)(c)(2) of the Article, all members shall, on a basis authorized by the Board, as long as the Board deems it necessary, contribute to the financial requirements of the association in the manner provided for in Section 5. Any assessment or contribution shall be reimbursed to the members with interest at a rate to be approved by the Board. Pending recoupment or reimbursement of assessments or contributions paid to the association by a member, the unrepaid balance of such assessments and contributions may be reflected in the books and records of the insurer as an admitted asset of the insurer for all purposes, including exhibition in annual statements pursuant to Article 6.12 of this Code."

#### COMMITTEE AMENDMENT NO. 4

Amend **S.B. 491** by:

adding "or certified to administer anesthesia" after the word "podiatry" on page 3, line 9;

adding "or certified anesthetist" after the word "hospital" on page 5, line 21;

The House amendments were read.

Senator Schwartz moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

#### **SENATE BILL 1010 WITH HOUSE AMENDMENT**

Senator Mauzy called **S.B. 1010** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **AMENDMENT NO. 1**

Amend **S.B. 1010**, Section 1, by deleting the period at the end of the 3rd paragraph of Section 10(b) of Article 8307 and substituting in lieu thereof the words "including employers."

The House amendment was read.

Senator Mauzy moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **S.B. 1010** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Mauzy, Gammage, Clower, Schwartz and Kothmann.

(President in the Chair)

#### **SENATE CONCURRENT RESOLUTION 104 ON SECOND READING**

Senator Schwartz offered the following resolution:

**S.C.R. 104**, Suspending the Joint Rules of both Houses in order that **S.B. 1055** and **S.B. 803** might be considered at any time.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann,



Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.J.R. 49	S.B. 55
S.C.R. 91	S.B. 190
S.C.R. 101	S.B. 205
S.B. 26	S.B. 267
S.B. 202	S.B. 339
S.B. 230	S.B. 405
S.B. 302	S.B. 464
S.B. 397	S.B. 510
S.B. 407	S.B. 569
S.B. 499	S.B. 777
S.B. 534	S.B. 653
S.B. 595	S.B. 726
S.B. 664	S.B. 901
S.B. 689	S.B. 982
S.B. 829	S.B. 1053
S.B. 908	S.B. 1095
S.B. 1040	S.B. 67 (Signed subject to
S.B. 1089	Sec. 49, Article III
S.B. 1102	of the Constitution of
S.B. 1104	the State of Texas)

#### HOUSE BILL 1246 ADDED TO INTENT CALENDAR

On motion of Senator Brooks and by unanimous consent, **H.B. 1246** was added to the Intent Calendar for today.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 762 ADOPTED

By unanimous consent, Senator Hance called from the President's table the Conference Committee Report on **S.B. 762**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Hance, the Conference Committee Report was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Doggett, Gammage, Longoria and Mauzy.

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 761 ADOPTED

By unanimous consent, Senator Hance called from the President's table the Conference Committee Report on **S.B. 761**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Hance, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Longoria and Mauzy.

#### HOUSE BILL 299 ON SECOND READING

Senator Hance asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 299**, A bill to be entitled An Act placing limits on the amount of campaign expenditures on behalf of candidates for certain offices; fixing civil and criminal penalties for violations; amending the Texas Election Code by adding Section 239a; and declaring an emergency.

There was objection.

Senator Hance then moved to suspend the regular order of business and take up **H.B. 299** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris and Mengden.

Absent: Moore.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend **H.B. 299**, Section 1, Subsection (d), to read as follows:

“(d) For the purpose of calculating the spending limits of this section and except as otherwise provided in Subsection (f), any amount spent by a candidate, his campaign treasurer, or assistant campaign treasurer, or any amount spent on behalf of a candidate by a political committee or political action committee which is supporting the candidate, is deemed to have been spent by the candidate. For the purposes of this section, a contribution which a political committee makes to a candidate is not an expenditure on behalf of the candidate.”

The amendment was read and was adopted.

On motion of Senator Hance and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### HOUSE BILL 299 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 299** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Harris and Mengden.

Absent: Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Creighton, Harris and Mengden asked to be recorded as voting "Nay" on the final passage of the bill.

#### HOUSE BILL 1079 ON SECOND READING

Senator Andujar asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1079**, A bill to be entitled An Act relating to electronic voting systems; amending Section 80, Texas Election Code, as amended (Article 7.15, Vernon's Texas Election Code); and declaring an emergency.

There was objection.

Senator Andujar then moved to suspend the regular order of business and take up **H.B. 1079** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Hance, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Creighton, Doggett, Farabee, Kothmann, Lombardino and Mauzy.

Absent: Harrington, Harris and Moore.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Andujar offered the following Committee Amendment to the bill:

**COMMITTEE AMENDMENT NO. 1**

Amend Subdivision 11b of Section 8 of House Bill 1079 by striking the word "shall" in line 6 on page 11 and substituting therefor the word "may".

The Committee Amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend the printed version of **H.B. 1079**, as amended in committee, in the following manner:

(a) Strike the words ", or fraction thereof, registered in the precinct" where they appear on lines 33 and 34 of page four (4) of the bill, and substitute in lieu thereof the following:

"estimated to cast ballots in the precinct on the day of the election,"

(b) Strike the words ", or fraction thereof, registered in the precinct" where they appear on lines 57 and 58 of page five (5) of the bill, and substitute in lieu thereof the following:

"estimated to cast ballots in the precinct on the day of the election"

The amendment was read and was adopted.

The bill as amended was passed to third reading.

**RECORD OF VOTE**

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**MOTION TO PLACE HOUSE BILL 1079 ON THIRD READING**

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1079** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 10. (Not receiving four-fifths vote of the Members present.)

Yeas: Aikin, Andujar, Braecklein, Brooks, Gammage, Harrington, Harris, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Clower, Creighton, Doggett, Farabee, Hance, Kothmann, Lombardino, Mauzy and Patman.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill 1484 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Caldwell, Hubenak, Uher, Massey and Tanner.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 1036. House Conferees: Agnich, Bryant, Koriath, Short and M. Garcia.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 616. House Conferees: Nabers, Laney, Hubenak, Maloney and Short.

The House refused to concur in Senate amendments to House Bill 1667 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Craddick, Mankins, Uher, Finney and Nichols.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 313. House Conferees: Lauhoff, Peveto, Newton, Nabers and McBee.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**SENATE CONCURRENT RESOLUTION 105 ON SECOND READING**

Senator Doggett offered the following resolution:

**S.C.R. 105**, Suspending Joint Rules of both Houses in order that **S.B. 262** might be considered at any time.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams.

### HOUSE BILL 652 ON SECOND READING

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 652**, A bill to be entitled An Act relating to the penalty imposed for a deceptive trade practice; amending Section 32.42, Penal Code; and declaring an emergency.

The bill was read second time.

Senator Braecklein offered the following amendment to the bill:

Amend **H.B. 652** by striking all below the enacting clause and substituting the following:

Section 1. Subsection (c), Section 32.42, Penal Code, is amended to read as follows:

“(c) An offense under Subsections (b) (1), (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) of this section is:

“(1) a Class C misdemeanor if the actor commits an offense with criminal negligence and if he has not previously been convicted of a deceptive business practice; or

“(2) a Class A misdemeanor if the actor commits an offense intentionally, knowingly, recklessly or if he has been previously convicted of a Class B or C misdemeanor under this section.

Section 2. Section 32.42, Penal Code, is amended by adding a new subsection (d) to read as follows:

“(d) An offense under Subsections (b)(7), (b)(8), (b)(9), (b)(10), (b)(11), and (b)(12) is a Class A misdemeanor.”

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Braecklein and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

### HOUSE BILL 652 ON THIRD READING

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 652** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann,

Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECESS

On motion of Senator Aikin the Senate at 12:06 o'clock p.m. took recess until 1:30 o'clock p.m. today.

#### AFTER RECESS

The Senate met at 1:30 o'clock p.m. today and was called to order by the President.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 137. House Conferees: Powers, Caldwell, Hubenak, Peveto and Uher.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 1010. House Conferees: Bryant, Denson, Grant, Maloney and Coleman.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL 839

Senator Mengden submitted the following Conference Committee Report:

Austin, Texas  
May 31, 1975

The Honorable William P. Hobby  
President of the Senate

The Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on **S.B. 839** have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

MENGDEN  
HARRIS  
LOMBARDINO  
TRAEGER  
On the part of the Senate

HENDERSON  
FOX  
SMITH  
On the part of the House

#### A BILL TO BE ENTITLED

#### AN ACT

relating to the inclusion of certain persons within and the financing of participation in regional or area-wide waste collection, treatment, or disposal systems; amending Subsection (b) of Section 21.204, Water Code; adding Section 21.2041 to the Water Code, as amended; adding Subsection (c) to Section 25.031, Water Code; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (b), Section 21.204, Water Code, is amended to read as follows:

"(b) Before exercising the authority granted in this section, the board shall find affirmatively:

"(1) that there is an existing or proposed regional or area-wide system designated under Section 21.203 of this code which is capable, or which in the reasonably foreseeable future will be capable, of serving the waste collection, treatment, or disposal needs of the person or persons who are the subject of an action taken by the board under this section;

"(2) that the owner or operator of the designated regional or area-wide system is agreeable to providing the service; ~~and~~

"(3) that it is feasible for the service to be provided on the basis of waste collection, treatment and disposal technology, engineering, financial, and related considerations existing at the time, exclusive of any loss of revenue from any existing or proposed waste collection, treatment, or disposal systems in which the person or persons who are the subject of an action taken under this section have an interest; and

"(4) that inclusion of the person or persons who are the subject of an action taken by the board under this section will not suffer undue financial hardship as a result of inclusion in a regional or area-wide system.

"(a) An action taken by the board under Section 21.2041 of this code, excluding any person or persons from a regional or area-wide system because the person or persons will suffer undue financial hardship as a result of inclusion in the regional or area-wide system, shall be subject to a review at a later time determined by the board in accordance with the criteria set out in this section, not to exceed three years from the date of exclusion.



"(b) If a person or persons excluded from a regional or area-wide system fail to operate the excluded facilities in a manner that will comply with its permits, the permits shall be subject to cancellation after review by the board and the facilities may become a part of the regional or area-wide system."

Sec. 2. Chapter 21, Water Code, as amended, is amended by adding Section 21.2041 to read as follows:

"Section 21.2041. INCLUSION AT A LATER TIME. Any person or persons who are the subject of an action taken by the board under Section 21.204 of this code, and who are excluded from a regional or area-wide system because the person or persons will suffer undue financial hardship as a result of inclusion in the regional or area-wide system, may be added to the system at a later time under the provisions of Section 21.204 of this code."

Sec. 3. Section 25.031, Water Code, is amended by adding Subsection (c) to read as follows:

"(c) Notwithstanding any provision of this chapter or any other law to the contrary, a district may use the proceeds of bonds issued for the purpose of constructing a waste disposal system or systems, and payable wholly or in part from ad valorem taxes, for the purchase of capacity in, or a right to have the wastes of the district treated in, a waste collection, treatment, or disposal system and facilities owned or to be owned exclusively or in part by another public agency, and a district may issue bonds payable wholly or in part from ad valorem taxes specifically for such purpose if a majority of the resident electors of the district have authorized the governing body of the district to issue bonds for that purpose or for the purpose of constructing a waste disposal system or systems. The bonds shall be issued in accordance with the provisions of, and shall be subject to the same terms and conditions of, the laws authorizing the district to issue bonds for the purpose of constructing waste collection, treatment, and disposal systems, except as otherwise provided in this subsection."

Sec. 4. (a) In this section, "district" has the meaning given it in Section 25.003, Water Code.

(b) All elections receiving a majority favorable vote heretofore held by a district and all proceedings, governmental acts, orders, resolutions, contracts, and other instruments heretofore adopted or executed by the governing body of a district, authorizing the use of bond proceeds or the issuance of bonds for the purpose of the purchase of capacity in, or the right to have the wastes of the district treated in, a system owned or to be owned exclusively or partly by another public agency are in all things validated, ratified, approved, and confirmed. This section does not apply to a matter involved in litigation on the effective date of this Act if the litigation is ultimately determined against its validity, nor does it validate any matter that on the effective date of this Act has been nullified by a final judgment of a court of competent jurisdiction.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended; and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### SENATE BILLS POSTPONED

On motion of Senator Adams and by unanimous consent, consideration of the remaining Senate Bills on the Senate Calendar was postponed until Monday, June 2, 1975.

**HOUSE BILL 1595 ADDED TO INTENT CALENDAR**

On motion of Senator Creighton and by unanimous consent, **H.B. 1595** was added to the Intent Calendar for today.

**HOUSE BILL 1674 ADDED TO INTENT CALENDAR**

On motion of Senator Aikin and by unanimous consent, **H.B. 1674** was added to the Intent Calendar for today.

**HOUSE BILL 1595 ON SECOND READING**

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1595**, A bill to be entitled An Act relating to functions and powers of the Texas Water Quality Board; functions and powers of the Texas Railroad Commission; civil penalties for violations of the Texas Disposal Well Act or of rules, regulations, or permits of the board or commission; increasing the maximum sum for the civil penalties from \$1,000 to \$5,000; amending Section 22.101 of the Texas Disposal Well Act; containing other provisions relating to the subject; and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1595 ON THIRD READING**

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1595** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**CONFERENCE COMMITTEE ON HOUSE BILL 1484**

Senator Schwartz called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1484** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1484** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Schwartz, Clower, Traeger, Harrington and Mauzy.

#### **HOUSE BILL 1217 ON SECOND READING**

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1217**, A bill to be entitled An Act relating to the activities, registration, and reporting requirements of persons engaging in activities designed to influence legislation; amending Sections 2, 3, 4, 5, 6, 7, and 9, Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes); providing penalties; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTES**

Senators Mauzy, Patman and McKinnon asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **HOUSE BILL 1217 ON THIRD READING**

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1217** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy, McKinnon and Patman.

Absent: Braecklein and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senator Mauzy, Patman and McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE CONCURRENT RESOLUTION 106 ON SECOND READING**

Senator Snelson offered the following resolution:

**S.C.R. 106**, Suspending Joint Rules of both Houses in order that **S.B. 791** might be considered at any time.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

**HOUSE BILL 1279 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1279**, A bill to be entitled An Act relating to the seeding, cultivating, and harvesting of oysters on certain bottomland; authorizing the lease of certain bay bottoms for oystering purposes; providing charges and fees; authorizing the Parks and Wildlife Department to make regulations; providing penalties; repealing Articles 4027, 4028, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, and 4046, Revised Civil Statutes of Texas, 1925, as amended, and Articles 959, 960, 961, 962, and 970, Penal Code of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time.

Senator Schwartz moved to Lay **H.B. 1279** on Table Subject to Call.

The motion prevailed by the following vote: Yeas 19, Nays 11.

Yeas: Aikin, Andujar, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Longoria, Mauzy, McKinnon, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman and Williams.

Nays: Adams, Braecklein, Creighton, Farabee, Harris, Jones, Lombardino, McKnight, Mengden, Snelson and Traeger.

Absent: Ogg.

**HOUSE BILL 1674 ON SECOND READING**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1674**, A bill to be entitled An Act relating to compensation to certain counties in which the county attorney performs the duties of a district attorney in

addition to the duties of a county attorney; amending Section 1, Chapter 396, Acts of the 63rd Legislature, Regular Session, 1973 (Article 332b, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend **H.B. 1674** by adding new Sections 2 and 3 as follows and renumbering present Section 2 accordingly:

Sec. 2. There is hereby appropriated out of the general revenue fund the sum of \$5,000 for each fiscal year of the biennium for each county attorney beginning September 1, 1975, to fund the state's cost under this Act.

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **HOUSE BILL 1674 ON THIRD READING**

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1674** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

#### **HOUSE BILL 2127 ON SECOND READING**

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2127**, A bill to be entitled An Act relating to forfeiture of rights and payment of royalties, penalties, and interest under certain leases and permits on state land; amending Articles 5372 and 5380, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 2127 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2127** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**HOUSE BILL 2197 ON SECOND READING**

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2197**, A bill to be entitled An Act relating to the creation of the 246th Judicial District, etc.; and declaring an emergency.

The bill was read second time.

Senator Sherman offered the following amendment to the bill:

Amend **H.B. 2197** by renumbering Section 3 as Section 4 and adding a Section 3 to read as follows:

Sec. 3. There is appropriated out of the general revenue fund the sum of \$7,000 for the fiscal year ending August 31, 1976 and the sum of \$7,000 for the fiscal year ending August 31, 1977, for expenses and allowances to the Criminal District Attorney of Deaf Smith County as provided in Section 2 of this Act. There is appropriated out of the general revenue fund the sum of \$6,990 for the fiscal year ending August 31, 1976 and the sum of \$7,440 for the fiscal year ending August 31, 1977, as payment to Oldham County as provided in Section 2 of this Act.

The amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**HOUSE BILL 2197 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**HOUSE BILL 2061 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2061**, A bill to be entitled An Act relating to approval of branch campuses, centers, or extension facilities of public junior college districts; amending Subsections (a), (b), (d), and (f), Section 130.086, Texas Education Code; and declaring an emergency.

The bill was read second time and was passed to third reading.

**RECORD OF VOTE**

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**HOUSE BILL 2061 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2061** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams and Creighton.

Absent: Jones.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams and Creighton.

Absent: Jones.

#### HOUSE BILL 31 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 31**, A bill to be entitled An Act relating to student use fees at state-supported institutions of higher education; amending Section 55.16, Texas Education Code, as amended; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **H.B. 31** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Harris, McKinnon, McKnight, Moore and Traeger.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTES

Senators McKinnon and McKnight asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 31 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 31** be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Harris, McKinnon, McKnight and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend H.B. 31 by striking Section 1 and substituting the following:

Section 1. Section 55.16, Texas Education Code, as amended, is amended to read as follows:

"Sec. 55.16. Rentals, Rates, Charges, and Fees. Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities, in such amounts and in such manner as may be determined by the board; provided, however, that all student use fees shall be fixed and collected in proportion to the number of semester credit hours for which a student registers, and shall not exceed \$6.00 per semester hour, except that those schools charging more than \$6.00 per semester hour as of May 1, 1975, shall not exceed the amount being charged as of that date, and except that the legislature may specifically authorize individual boards to levy fees in excess of the \$6.00 limit set herein. The [the] board may waive all or any part of any such student use fees in the case of any student for whom the payment of such student use fee would cause an undue economic hardship, except that the number of such students for whom such waivers are granted shall not exceed 5% of the total enrollment; and further provided that nothing in this section shall affect, limit, or impair any pledge, covenant, or option made or reserved by the board with respect to any revenue bonds outstanding as of the 1975 amendment to this section, issued by the board pursuant to this chapter; and provided that hereafter if bonds are issued pursuant to Section 55.17 of this code, to be secured by a pledge of a limited or unlimited use fee, and if, at the time of authorizing the issuance of the bonds, (1) the estimated maximum amount per semester hour of such pledged use fee (based on then current enrollment and conditions) during any future semester necessary to provide for the payment of the principal of and interest on the bonds when due, together with (2) the aggregate amount of all use fees which were levied on a semester hour basis for the then current semester to pay the principal of and interest on all previously issued bonds, do not exceed \$6 per semester hour, then such limited or unlimited use fee shall be levied and collected when and to the extent required by the resolution authorizing the issuance of the bonds in any amount required to provide for the payment of the principal of and interest on the bonds, regardless of any other provision of this section or the limitations contained herein. ~~but further provided that no student use fees heretofore pledged to the payment of presently outstanding revenue bonds issued by a board shall ever be fixed and collected in a way that would impair any pledge or covenant made by the board with respect to such bonds.]~~"

The Committee Amendment was read and was adopted by unanimous consent.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed by the following vote: Yeas 26, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Harris, McKinnon, McKnight and Moore.

(Senator Schwartz in the Chair)

#### **HOUSE BILL 1590 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1590**, A bill to be entitled An Act relating to compensation paid to the owners of cattle exposed to bovine brucellosis; and declaring an emergency.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **H.B. 1590** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **HOUSE BILL 1590 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1590** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

#### **HOUSE BILL 2215 ORDERED NOT PRINTED**

On motion of Senator Doggett and by unanimous consent **H.B. 2215** was ordered not printed.

#### **HOUSE BILL 2215 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

**H.B. 2215**, A bill to be entitled An Act relating to the creation of a County Court at Law Number 4 of Travis County, Texas; defining its jurisdiction; conforming the jurisdiction of the County Court of Travis County and other county courts at law of said county thereto; providing for the administration of such courts; fixing the terms of this court; fixing the salary and qualifications of the judge thereof; providing for the appointment and election of such judge and providing for his removal; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 2215 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2215** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 970 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 970**, A bill to be entitled An Act relating to the preemptory disqualification of a district judge in a civil case; and declaring an emergency.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend **H.B. 970** at Section 3, page 2, line 3, by deleting the word "without" where it appears and substituting therefor the word "with" so that line 3 would then read "in the action by written motion with notice supported by".

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **HOUSE BILL 970 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santicsteban, Schwartz, Sherman, Snelson, Tracger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 1058 REREFERRED**

On motion of Senator Hance and by unanimous consent, **H.B. 1058** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Administration.

**HOUSE BILL 968 ORDERED NOT PRINTED**

On motion of Senator Doggett and by unanimous consent **H.B. 968** was ordered not printed.

**HOUSE BILL 1793 ORDERED NOT PRINTED**

On motion of Senator Doggett and by unanimous consent **H.B. 1793** was ordered not printed.

**HOUSE BILL 614 ON SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 614**, A bill to be entitled An Act prohibiting the purchase of imported dairy products by state agencies and subdivisions; and declaring an emergency.

The bill was read second time.

Senator McKnight offered the following Committee Amendment to the bill:

Amend **H.B. 614** by adding the following sentence to Section 2 after the words "United States of America.":

"This Act does not apply to the purchase of milk powder when, in the normal course of business, domestic milk powder is not readily available."

The Committee Amendment was read and was adopted.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**HOUSE BILL 614 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 614** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann,

Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

#### **HOUSE BILL 1079 ON THIRD READING**

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1079** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Kothmann, Lombardino and Mauzy.

Absent: Ogg.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy, Sherman, Lombardino, Doggett, Brooks, Kothmann and Adams asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 1065 ON SECOND READING**

Senator Snelson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1065**, A bill to be entitled An Act relating to reapportionment of congressional districts; repealing Chapter 12, Acts of the 62nd Legislature, 1st Called Session, 1971 (Article 197d, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Snelson then moved to suspend the regular order of business and take up **H.B. 1065** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Adams, McKinnon, McKnight, Mengden, Moore, Patman and Traeger.

Absent: Doggett and Ogg.

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 1065 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1065** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: McKnight and Moore.

Absent: Doggett.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 569 ON SECOND READING**

On motion of Senator Gammage and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 569**, A bill to be entitled An Act relating to requiring health certificates of persons preparing or dispensing food served in child care facilities; defining the word "person"; amending Subsection 1, Section 8(a), The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes), by adding Paragraph (k); amending Subsection 12, Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), and adding Subsection 4a; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 569 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 569** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Jones and Traeger.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

Senator Jones asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 1841 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1841**, A bill to be entitled An Act relating to sequential education planning for nursing education and credit for educational and clinical experiences; amending Chapter 51, Texas Education Code, by adding Section 51.906; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 1841 ON THIRD READING**

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1841** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.



The bill was read third time and was passed.

#### HOUSE BILL 899 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 899**, A bill to be entitled An Act relating to certificate of title for motorcycles; amending Section 2 and adding Section 2d to the Certificate of Title Act, as amended (Article 6687-1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### HOUSE BILL 899 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL 1073 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1073**, A bill to be entitled An Act relating to authorizing the State Department of Public Welfare to administer federal matching programs for political subdivisions which provide emergency services for children of needy families, interim assistance to applicants for supplemental income grants, general assistance for the medically disabled, and certain social services; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Subsection (3) to Section 18-A and by adding Section 19-B; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### HOUSE BILL 1073 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1073** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL 1673 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1673**, A bill to be entitled An Act relating to educational services for the blind and visually handicapped, etc.; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend **H.B. 1673** by inserting an appropriately numbered section before the emergency clause to read as follows:

Section \_\_\_\_\_. (a) There is appropriated to the Governor's Coordinating Office for the Visually Handicapped the sum of \$300,000 from the general revenue fund, to be used during the biennium ending August 31, 1977, for the purposes of this Act.

(b) There is appropriated to the Governor's Coordinating Office for the Visually Handicapped any federal funds that become available to it to be used during the biennium ending August 31, 1977, for the purposes of this Act, including the construction of facilities to be operated on an interagency basis.

(c) The legislature intends that the Governor's Coordinating Office for the Visually Handicapped and all other state agencies carrying out activities significantly affecting the lives of visually handicapped citizens of this state enter into any cooperative agreements and interagency contracts that are expedient or necessary to assure the most effective use of all available resources.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### HOUSE BILL 1673 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1673** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

#### REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Sherman submitted the following report for the Committee on Natural Resources.

**H.B. 1405** (Amended)

#### HOUSE BILL 1405 ORDERED NOT PRINTED

On motion of Senator Patman and by unanimous consent **H.B. 1405** was ordered not printed.

(President in the Chair)

#### MOTION TO PLACE HOUSE BILL 109 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 109**, A bill to be entitled An Act relating to allowing a parent and a spouse to recover damages for mental anguish, emotional pain and suffering, and loss of love and affection and certain other incidents of a relationship resulting from the wrongful death of a child or husband or wife in certain circumstances; amending Articles 4671 and 4673, Revised Civil Statutes of Texas, 1925; amending Title 77, Revised Civil Statutes of Texas, 1925, by adding an Article 4672-1; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 19, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Santiesteban, Schwartz and Williams.

Nays: Creighton, Farabee, Harris, Jones, Lombardino, Moore, Patman, Sherman, Snelson and Traeger.

Absent: Andujar and McKnight.

#### **HOUSE BILL 2016 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2016**, A bill to be entitled An Act relating to the purchase of blind-made goods and services by various agencies, departments, and institutions of the State of Texas; amending Section 13, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes), and adding Section 13A; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 2016 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2016** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Andujar and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **HOUSE BILL 101 ON SECOND READING**

Senator Hance moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 101**, A bill to be entitled An Act relating to the authority of the board of regents of Texas Tech University to sell, lease, and otherwise manage, control, and use certain lands; amending Subchapter C, Chapter 109, Texas Education Code, by adding Section 109.48; and declaring an emergency.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Aikin, Braecklein, Brooks, Doggett, Farabee, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Meier, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Adams, Clower, Creighton, Gammage, Harris, Mauzy, McKinnon, Mengden and Sherman.

Absent: Andujar, McKnight and Moore.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading by the following vote: Yeas 18, Nays 10.

Yeas: Aikin, Braecklein, Brooks, Doggett, Farabee, Hance, Harrington, Jones, Kothmann, Lombardino, Meier, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Adams, Clower, Creighton, Gammage, Harris, Longoria, Mauzy, McKinnon, Mengden and Sherman.

Absent: Andujar, McKnight and Moore.

#### AT EASE

The President announced at 3:59 o'clock p.m. the Senate would Stand at Ease Subject to Call of the Chair.

(Senator Adams in the Chair)

#### IN LEGISLATIVE SESSION

The President called the Senate to order at 4:05 o'clock p.m. today.

#### HOUSE BILL 968 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 968**, A bill to be entitled An Act relating to payroll deductions from wages and salaries of county employees in counties having 20,000 or more population, amending Article 2372h-4, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### HOUSE BILL 968 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 968** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**CONFERENCE COMMITTEE REPORT ON SENATE BILL 137**

Senator Schwartz submitted the following Conference Committee Report:

Austin, Texas  
May 31, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **S.B. 137** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWARTZ  
AIKIN  
SHERMAN  
BROOKS  
CREIGHTON  
On the part of the Senate

CALDWELL  
HUBENAK  
PEVETO  
UHER  
POWERS  
On the part of the House

**A BILL TO BE ENTITLED**

**AN ACT**

amending the Water Code as follows:

declaring as public policy of the state the maintenance of the ecological environment of the bays and estuaries in the conservation and development of the state's natural resources; directing the Texas Water Rights Commission in the consideration of any permit to store, take, or divert water to assess the effects thereof upon the bays and estuaries of Texas; directing the Texas Water Development Board to investigate the effects of fresh water inflows upon bays and estuaries of Texas and to complete comprehensive studies regarding the development of methods of providing and maintaining the ecological environment thereof; directing the Texas Water Rights Commission, the Texas Water Quality Board, the General Land Office, the Parks and Wildlife Department, and the Coastal and Marine Council to assist and cooperate in the conduct of such studies and investigations; repealing laws in conflict; making

appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1.003 of Chapter 1, Water Code, is amended to read as follows:

"Section 1.003. PUBLIC POLICY. It is the public policy of the state to provide for the conservation and development of the state's natural resources, including:

"(1) the control, storage, preservation, and distribution of the state's storm and floodwaters and the waters of its rivers and streams for irrigation, power, and other useful purposes;

"(2) the reclamation and irrigation of the state's arid, semiarid, and other land needing irrigation;

"(3) the reclamation and drainage of the state's overflowed land and other land needing drainage;

"(4) the conservation and development of its forest, water, and hydroelectric power; ~~and~~

"(5) the navigation of the state's inland and coastal waters; and

"(6) the maintenance of a proper ecological environment of the bays and estuaries of Texas and the health of related living marine resources."

Sec. 2. Subchapter D of Chapter 5, Water Code, as amended, is amended by adding Section 5.145 to read as follows:

"Section 5.145. EFFECTS OF PERMIT ON BAYS AND ESTUARIES. In its consideration of an application for a permit to store, take, or divert water, the commission shall assess the effects, if any, of the issuance of such permit upon the bays and estuaries of Texas."

Sec. 3. Section 11.062 of Chapter 11, Water Code, as amended, is amended to read as follows:

"Section 11.062. STUDIES, INVESTIGATIONS, SURVEYS. (a) The staff shall make studies, investigations, and surveys of the occurrence, quantity, quality, and availability of the surface water and groundwater of this state. For these purposes the staff shall collect, receive, analyze, and process basic data concerning the water resources of the state.

"(b) The staff shall:

"(1) determine suitable locations for future water facilities including reservoir sites;

"(2) locate land best suited for irrigation;

"(3) make estimates of the cost of proposed irrigation works and the improvement of reservoir sites; ~~and~~

"(4) examine and survey reservoir sites; and

"(5) investigate the effects of fresh water inflows upon the bays and estuaries of Texas."

"(c) The staff shall keep full and proper records of its work, observations, data, and calculations, all of which are the property of the state.

"(d) In performing its duties under this section, the staff shall assist the commission in carrying out the purposes and policies stated in Section 6.054 of this code."

Sec. 4. Subchapter D of Chapter 11, Water Code, as amended, is amended by adding Section 11.108.

"Section 11.108. STUDIES OF BAYS AND ESTUARIES. The board shall carry out comprehensive studies of the effects of fresh water inflows upon the bays and estuaries of Texas, which studies shall include the development of methods of providing and maintaining the ecological environment thereof suitable to their living marine resources. The studies shall be completed and the results published by December 31, 1979. The Texas Water Rights Commission, the Texas Water Quality Board, the General Land Office, the Parks and Wildlife Department, and the Texas Coastal and

Marine Council are authorized and directed to assist and cooperate in all possible ways with the board in this undertaking."

Sec. 5. There is hereby appropriated to the Texas Water Development Board \$250,000 for fiscal year 1976 and any unexpended balances for fiscal year 1977 in addition to funds appropriated to the board in the General Appropriations Act for bay and estuary studies and fresh water inflow needs of those systems.

Sec. 6. Any law in conflict with the provisions of this Act is specifically repealed to the extent the same is in conflict.

Sec. 7. The fact that the absence of regulatory authority over the quantities of fresh water inflows into the bays and estuaries of Texas has the possibility of degradation of the ecological environment creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **HOUSE BILL 960 ON SECOND READING**

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 960**, A bill to be entitled An Act relating to investment of assets of separate variable annuity accounts by life insurance companies; amending Section 8, Article 3.72, Insurance Code; and declaring an emergency.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **H.B. 960** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Nays: Adams, Braecklein, Longoria, Mauzy, McKinnon, McKnight, Sherman and Snelson.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTES**

Senators McKinnon, Sherman, Snelson, Schwartz, Mauzy, Patman, Longoria, Hance and Clower asked to be recorded as voting "Nay" on the passage of the bill to third reading.



(Senator Mauzy in the Chair)

### HOUSE BILL 960 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 960 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Nays: Longoria, Mauzy, McKnight, Patman, Schwartz and Sherman.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators McKinnon, Mauzy, Clower, Hance, Sherman, Snelson, Patman, Schwartz and Longoria asked to be recorded as voting "Nay" on the final passage of the bill.

### HOUSE BILL 1405 ON SECOND READING

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1405**, A bill to be entitled An Act relating to the time for election of directors of drainage districts; amending Subsection (d) of Section 56.064, Water Code; and declaring an emergency.

The bill was read second time.

Senator Patman offered the following Committee Amendment to the bill:

Amend **H.B. 1405** by striking all below the enacting clause and substituting the following:

Section 1. Subsection (d), Section 56.064, Water Code, is amended to read as follows:

"(d) The first elected directors of the district hold office until the next regular election for state and county officers, and subsequent directors of the district are elected every two years at the general election[-] except as otherwise provided by Subsection (e)."

Sec. 2. Section 56.064, Water Code, is amended by adding a new Subsection (e) to read as follows:

"(e) The first elected directors of the districts in Calhoun, Galveston, Matagorda, and Victoria Counties hold office until April 15 of the next succeeding odd-numbered year or until their successors have qualified. Subsequent directors of the

district are elected every two years on the first Saturday in April in each odd-numbered year, for a term of two years beginning on April 15 following the election."

Sec. 3. Chapter 56, Water Code, is amended by adding Section 56.0641, to read as follows:

"Sec. 56.0641. ELECTION PROCEDURES. (a) In those districts referred to in Subsection (e) of Section 56.064, until otherwise ordered by the board of directors, the three persons receiving the highest number of votes at each election are elected. By order made before the 60th day preceding an election for directors, the board of directors in those districts referred to in Subsection (e) of Section 56.064 may order that the election of directors for that district shall be by position or place, designated as Place No. 1, Place No. 2, and Place No. 3. The order shall designate the place numbers in relation to the directors then in office, and these place designations shall be observed in all future elections. The person receiving the highest number of votes for each position or place is elected. Once the board of directors has adopted the place system for election, neither that board nor their successors may rescind the action.

"(b) A person wishing to have his name printed on the ballot as a candidate for director in those districts referred to in Subsection (e) of Section 56.064 shall file a signed application with the secretary of the board of directors not later than 5 p.m. of the 31st day preceding the election.

"(c) The board of directors in those districts referred to in Subsection (e) of Section 56.064 shall order the election, appoint the election judges, canvass the returns, and declare the results of the election. In other respects, the procedures for conducting the election and for voting are as specified in the Texas Election Code. The expenses of holding the election shall be paid out of the construction and maintenance fund of the district."

Sec. 4. Chapter 56, Water Code, is amended by adding Section 56.0642 to read as follows:

"Sec. 56.0642. APPLICABILITY TO SPECIAL LAW DISTRICTS. Subsection (e) of Section 56.064 and Section 56.0641 of this code apply to drainage districts created or governed by special law where the special law expressly adopts the provisions of Section 56.064 of this code or its predecessor statute (Article 8119, Revised Civil Statutes of Texas, 1925) or repeats its provisions, without change in substance, as those provisions existed at the time the special law was enacted; but they do not apply to any district established, reestablished, or otherwise affected by special law where the special law contains specific provisions relating to the method of selecting the governing body of the district which were at variance with the provisions of Section 56.064 of this code or its predecessor at the time the special law was enacted."

Sec. 5. In all drainage districts subject to this Act, the directors elected at the general election held on November 5, 1974, continue to hold office under the provisions of Article XVI, Section 17, of the Texas Constitution, until the directors chosen at the election on April 2, 1977, have qualified.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Committee Amendment was read and was adopted.

Senator Patman offered the following Committee Amendment to the bill:

#### AMENDMENT NO. 2

Amend H.B. 1405 by striking all above the enacting clause and substituting the following:

## A BILL TO BE ENTITLED

## AN ACT

relating to the time and method for election of directors of certain drainage districts; amending Subsection (d) of Section 56.064, Water Code, adding Subsection (e) to Section 56.064, Water Code, and adding Sections 56.0641 and 56.0642, Water Code; and declaring an emergency.

The amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

## HOUSE BILL 1405 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1405** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the Chair)

## HOUSE BILL 305 ON SECOND READING

On motion of Senator Andujar and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 305**, A bill to be entitled An Act relating to platting and recording of subdivisions; amending Sections 3 and 6, Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 974a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

## RECORD OF VOTES

Senators McKinnon, Clower and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**HOUSE BILL 305 ON THIRD READING**

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 305** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Clower, Mauzy and McKinnon.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators McKinnon, Clower and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has failed to pass the following:

**S.C.R. 102**, Resolving that certain Senate and House Rules be suspended to enable consideration of, and action on, the following specific matters which may be contained in the Conference Committee Report on Senate Bill 52 (For convenience, references are house version items). **S.C.R. 102** was tabled by a record vote of 85 Yeas, 57 Nays.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

**COMMITTEE SUBSTITUTE HOUSE BILL 218 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 218**, A bill to be entitled An Act relating to longevity pay for commissioned law-enforcement personnel of certain state agencies and institutions; and declaring an emergency.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **H.B. 218** on line 17 of the Senate Printing by striking the words "game-management" and substituting in lieu thereof the words "law enforcement".

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 218 ON THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 218** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Absent: Creighton.

Absent-excused: Harrington, Ogg and Snelson.

#### **HOUSE BILL 413 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 413**, A bill to be entitled An Act validating and legalizing all special assessments and reassessments for street improvements levied or purported to be levied by any and all cities in the state and validating the proceedings of the governing bodies of such cities levying or purporting to levy such assessments or reassessments, etc.; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTES

Senators Sherman, Mauzy, Creighton, McKinnon, Snelson, Mengden, Longoria, Lombardino and Clower asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 413 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 413** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Nays: Adams, Creighton, Mauzy, Mengden, Sherman and Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9.

Yeas: Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Traeger and Williams.

Nays: Adams, Clower, Creighton, Hance, Mauzy, McKinnon, Mengden, Sherman and Snelson.

#### SENATE CONCURRENT RESOLUTION 109

By unanimous consent, Senator Aikin offered the following resolution:

**S.C.R. 109**, Suspending House and Senate Joint Rules in order that certain items in the Conference Committee Report on Senate Bill 52 might be considered and acted on.

AIKIN  
BROOKS  
MOORE  
CREIGHTON  
SCHWARTZ

The resolution was read.

Senator Doggett offered the following amendment to the resolution:

Amend **S.C.R. 109** by deleting item 9 at page 50.

The amendment was read.

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 14.

Yeas: Adams, Aikin, Brooks, Creighton, Harrington, Harris, Kothmann, Lombardino, Mauzy, McKnight, Moore, Santiesteban, Schwartz, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Clower, Doggett, Farabee, Gammage, Hance, Jones, Longoria, McKinnon, Meier, Mengden, Patman and Sherman.

Absent: Ogg.

The resolution was then adopted by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Doggett, Farabee, Gammage, Jones, Meier and Mengden.

Absent: Ogg.

#### **HOUSE BILL 1089 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1089**, A bill to be entitled An Act relating to issuance of weather modification permits; amending Section 14.061 and adding Section 14.0641 to the Water Code; and declaring an emergency.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **H.B. 1089** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein and Mauzy.

Absent: Ogg.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **H.B. 1089**, Engrossed Version, as follows:

by striking the underlined language on page 2, lines 4 and 5, and inserting in lieu thereof the following:

“and upon a finding that the weather modification and control operation as proposed in the permit application will not significantly dissipate the clouds and prevent their natural course of developing rain in the area where the operation is to be conducted to the material detriment of persons or property in that area, may”

and by adding a subsection (b) to Sec. 14.061 to read as follows:

“The Board shall, if requested by at least 25 persons, hold at least one public hearing in the area where the operation is to be conducted prior to the issuance of a permit.”

and by striking all remaining underlined language from page 2 through page 6.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### HOUSE BILL 1089 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1089** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein and Mauzy.

Absent: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein and Mauzy.



Absent: Ogg.

**MOTION TO CONSIDER  
SENATE CONCURRENT RESOLUTION 108 IMMEDIATELY**

Senator Meier offered the following resolution:

**S.C.R. 108**, Suspending Joint Rules to permit consideration of all bills on Intent Calendar for June 1 at any time.

The resolution was read.

Senator Meier asked unanimous consent that the resolution be considered immediately.

There was objection.

Senator Meier moved that the regular order be suspended in order to consider the resolution immediately.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 14.

Yeas: Adams, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Jones, Mauzy, Meier, Mengden, Patman, Santiesteban, Schwartz and Williams.

Nays: Aikin, Andujar, Creighton, Farabee, Harris, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Moore, Sherman, Snelson and Traeger.

Absent: Ogg.

The resolution was then referred to the Administration Committee.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to House Bill 31 by a vote of 129 Yeas, 7 Nays, 1 Present-Not voting.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 131	H.B. 1327
H.C.R. 135	H.B. 1328
H.C.R. 140	H.B. 1360
H.C.R. 147	H.B. 1408
H.C.R. 148	H.B. 1481
H.C.R. 154	H.B. 1489
H.C.R. 157	H.B. 1528
H.C.R. 158	H.B. 1532
H.C.R. 160	H.B. 1540
H.B. 50	H.B. 1547
H.B. 124	H.B. 1550
H.B. 176	H.B. 1643
H.B. 247	H.B. 1687
H.B. 272	H.B. 1746
H.B. 352	H.B. 1779
H.B. 405	H.B. 1945
H.B. 516	H.B. 1957
H.B. 548	H.B. 2021
H.B. 570	H.B. 2063
H.B. 575	H.B. 1353
H.B. 659	H.B. 2065
H.B. 668	H.B. 2076
H.B. 671	H.B. 2153
H.B. 715	H.B. 2178
H.B. 873	H.B. 2203
H.B. 890	H.B. 2205
H.B. 942	H.B. 2206
H.B. 1039	H.B. 2210
H.B. 1119	H.B. 2214
H.B. 1136	H.B. 2221
H.B. 1142	H.B. 2226
H.B. 1172	H.B. 2233
H.B. 1174	H.B. 2234
H.B. 1186	H.B. 2235
H.B. 1202	H.B. 2244
H.B. 1203	H.B. 2245
H.B. 1205	H.B. 2246
H.B. 1280	H.B. 2249
H.B. 1296	H.B. 1816
H.B. 1305	H.B. 1861
H.B. 1313	H.B. 1907

**HOUSE BILL 1308 ON SECOND READING**

On motion of Senator Gammage and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1308**, A bill to be entitled An Act relating to the administration of certain federally established day care programs; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTES

Senators Aikin, Traeger, Meier, Williams and McKinnon asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 1308 ON THIRD READING

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, McKinnon, McKnight, Mengden and Moore.

Absent: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators McKinnon, Aikin, Hance and Mengden asked to be recorded as voting "Nay" on the final passage of the bill.

#### HOUSE BILL 101 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy and Mengden.

Absent: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy and McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

#### **MOTION IN WRITING**

Senator Patman offered the following Motion in Writing:

Mr. President:

I move that Senate Rule 105 and all other appropriate Senate Rules, including the Senate Rule prescribing posting and notice requirements, be suspended in order that House Bill 1982 may be heard by committee and considered by the Senate (if reported favorably by committee) at any time.

The Motion in Writing was read and failed of adoption by the following vote: Yeas 4, Nays 27.

Yeas: Brooks, Farabee, Patman and Snelson.

Nays: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Traeger and Williams.

#### **MOTION TO CONSIDER SENATE CONCURRENT RESOLUTION 110 IMMEDIATELY**

Senator Meier offered the following resolution:

**S.C.R. 110**, Suspending Joint Rules in both Houses in order that **H.B. 820** might be considered at any time.

The resolution was read.

Senator Meier asked unanimous consent that the resolution be considered immediately.

There was objection.

Senator Meier moved that the regular order of business be suspended to consider the resolution.

The motion was lost by the following vote: Yeas 16, Nays 14.

Yeas: Adams, Brooks, Clower, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Meier, Ogg, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: Aikin, Andujar, Braecklein, Creighton, Harris, Jones, Longoria, Mauzy, McKinnon, McKnight, Mengden, Moore, Patman and Traeger.

Absent: Doggett.

The resolution was then referred to the Administration Committee.

#### HOUSE BILL 1194 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1194**, A bill to be entitled An Act replacing the requirement that a mixed beverage permittee destroy empty bottles of distilled spirits with a requirement that the permittee invalidate the tax stamp; amending Section 20b, Article I, Texas Liquor Control Act, as amended (Article 666-20b, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTES

Senators Aikin, Braecklein, Mauzy and Jones asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 1194 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1194** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Adams, Aikin, Braecklein, Jones, Mauzy and McKnight.

Absent: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Ogg, Santiesteban, Snelson, Traeger and Williams.

Nays: Adams, Aikin, Braecklein, Jones, Mauzy, McKnight, Moore, Patman, Schwartz and Sherman.

**CONFERENCE COMMITTEE ON HOUSE BILL 1667**

Senator Jones called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1667** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1667** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Andujar, Harris, Braecklein and Adams.

**HOUSE BILL 1246 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1246**, A bill to be entitled An Act relating to the type of services aged persons employed in community programs may provide; amending Subsection (b), Section 5a, Chapter 320, Acts of the 59th Legislature, Regular Session, 1965 (Article 695k, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1246 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1246** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**HOUSE BILL 989 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 989**, A bill to be entitled An Act relating to the operation of the Texas Department of Corrections; amending Section 11, and repealing Section 22, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Articles 6166j, and 6166u, Vernon's Texas Civil Statutes); amending Subsection (E), Section 2, Chapter 67, Acts of the 41st Legislature, 5th Called Session, 1930, as amended (Article 6203c, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### HOUSE BILL 989 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 989** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL 1518 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1518**, A bill to be entitled An Act relating to revising the Texas Education Code to allow county and local school districts to supplement state funds for the purposes of contracting with public transportation companies for transportation of pupils; amending Section 16.63, Texas Education Code; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### HOUSE BILL 1518 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE JOINT RESOLUTION 99 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.J.R. 99**, A joint resolution proposing a constitutional amendment of Section 49-d-1 of Article III of the Texas Constitution to increase from \$100 million to \$200 million the additional aggregate principal amount of Texas Water Development Bonds which may be issued and outstanding by the Texas Water Development Board for water quality enhancement purposes.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **H.J.R. 99** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabec, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Clower, Doggett and Mauzy.

Absent: Moore.

The President laid the resolution before the Senate on its second reading and passage to third reading.

The resolution was read second time.

Senator Traeger offered the following amendment to the resolution:

Amend **H.J.R. 99** by deleting all after the resolving clause and by substituting in lieu thereof the following:

"Section 1. That if the constitutional amendment proposed in Section 5 of **S.J.R. 11**, as passed in the 1975 Regular Session of the 64th Legislature, is not adopted by a majority of the qualified electors voting on the question on November 4, 1975, and the constitutional amendment proposed in Section 1 of **S.J.R. 49**, as passed in the 1975 Regular Session of the 64th Legislature, is not adopted by a majority of the qualified electors voting on the question on November 2, 1976:

"(1) Section 49-d-1 of Article III of the Texas Constitution is amended to read as follows:

"Section 49-d-1. Additional Texas Water Development Bonds. (a) The Texas Water Development Board shall upon direction of the Texas Water Quality Board, or any successor agency designated by the Legislature, issue additional Texas Water Development Bonds up to an additional aggregate principal amount of \$200,000,000 [~~One Hundred Million Dollars (\$100,000,000)~~] to provide grants, loans, or any combination of grants and loans for water quality enhancement purposes as established by the Legislature. The Texas Water Quality Board or any successor agency designated by the Legislature may make such grants and loans to political subdivisions or bodies politic and corporate of the State of Texas, including municipal corporations,



river authorities, conservation and reclamation districts, and districts created or organized or authorized to be created or organized under Article XVI, Section 59, or Article III, Section 52, of this Constitution, State agencies, and interstate agencies and compact commissions to which the State of Texas is a party, and upon such terms and conditions as the Legislature may authorize by general law. The bonds shall be issued for such terms, in such denominations, form and installments, and upon such conditions as the Legislature may authorize.

"(b) The proceeds from the sale of such bonds shall be deposited in the Texas Water Development Fund to be invested and administered as prescribed by law.

"(c) The bonds authorized in this Section 49-d-1 and all bonds authorized by Sections 49-c and 49-d of Article III shall bear interest at not more than 6% per annum and mature as the Texas Water Development Board shall prescribe, subject to the limitations as may be imposed by the Legislature.

"(d) The Texas Water Development Fund shall be used for the purposes heretofore permitted by, and subject to the limitations in Sections 49-c, 49-d and 49-d-1; provided, however, that the financial assistance may be made pursuant to the provisions of Sections 49-c, 49-d and 49-d-1 subject only to the availability of funds and without regard to the provisions in Section 49-c that such financial assistance shall terminate after December 31, 1982.

"(e) Texas Water Development Bonds are secured by the general credit of the State and shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

"(f) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be void by reason of their anticipatory character.

"(2) The constitutional amendment proposed by this section becomes effective on January 1, 1977.

"Section 2. That if the constitutional amendment proposed in Section 5 of S.J.R. 11, as passed in the 1975 Regular Session of the 64th Legislature, is not adopted by a majority of the qualified electors voting on the question on November 4, 1975, but the constitutional amendment proposed in Section 1 of S.J.R. 49, as passed by the 1975 Regular Session of the 64th Legislature, is adopted by a majority of the qualified electors voting on the question on November 2, 1976:

"(1) Section 49-c of Article III of the Texas Constitution as proposed in S.J.R. 49 is amended to read as follows:

"Sec. 49-c. Texas Water Development Bonds and Contracts. (a) The issuance of Texas Water Development Bonds is hereby authorized in an aggregate principal amount not to exceed \$400,000,000. The legislature by a record affirmative two-thirds vote of the membership of each house may authorize the issuance of all or any part of an additional aggregate principal amount of Texas Water Development Bonds not to exceed \$400,000,000. Bonds authorized under this subsection may be issued only for such water development purposes as prescribed by law.

"(b) The issuance of Texas Water Development Bonds is hereby authorized in an aggregate principal amount not to exceed \$200,000,000 [~~\$400,000,000~~], which bonds may be issued only for such water quality enhancement purposes as prescribed by law.

"(c) Texas Water Development Bonds are issued in such manner and installments and upon such terms and conditions, bear such rates of interest, and mature as prescribed by law. The legislature shall provide by law for such other implementation of this section as the legislature determines appropriate.

"(d) Texas Water Development Bonds are secured by the full faith and credit of the state, and there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature

or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year. No bonds authorized under this section may be issued without prior approval of the attorney general and registration by the comptroller of public accounts; after approval, registration, and delivery to the purchaser the bonds are incontestable.

"(c) The legislature by law may provide for the execution of contracts in excess of two years duration between the state or a state agency and the United States or any of its agencies to acquire or develop storage facilities in reservoirs constructed or to be constructed by the federal government. Contracts executed under this subsection are general obligations of the state and are part of the state debt authorized under Subsection (a) of this Section.

"(f) No state fund established for purposes of water development, whether funded by the sale of Texas Water Development Bonds or from other sources, may be used to finance a project that contemplates or results in removing surface water from the river basin of origin if the surface water is necessary to supply the reasonably foreseeable water requirements of the basin for the ensuing 50 years. This subsection does not apply to a removal of water on a temporary, interim basis. No such state fund may be used for the development of water resources from the Mississippi River.

"(g) The aggregate amount of bonds and contracts authorized by this section includes Texas Water Development Bonds and contracts issued before the effective date of this amendment. Texas Water Development Bonds or other evidences of indebtedness issued before the effective date of this amendment remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions. The state or a state agency shall continue to provide for a source or sources of payment in accordance with the terms of these bonds or other evidences of indebtedness until the obligations are paid in full.

"(h) No single water development project requiring an expenditure of proceeds of Texas Water Development Bonds in an aggregate amount in excess of \$35 million may be undertaken unless:

"(A) the expenditure is approved by concurrent resolution adopted by a majority of the members of each house of the legislature; or

"(B) the project is a part of a statewide water development plan approved by concurrent resolution adopted by a majority of the members of each house of the Legislature.

"(2) The constitutional amendment proposed by this section becomes effective on January 1, 1977.

"Section 3. The constitutional amendment proposed by Sections 1 and 2 is to be submitted to a vote of the qualified electors at the election held on the first Tuesday after the first Monday in November, 1976, at which election the ballots are to provide for voting for or against the proposition: 'A constitutional amendment to increase from \$100 million to \$200 million the amount of Texas Water Development Bonds that may be issued for water quality enhancement purposes.'

"Section 4. If Sections 49-c, 49-d, or 49-d-1 of Article III of the Texas Constitution are renumbered because of the adoption on November 4, 1975 of one or more amendments proposed by S.J.R. 11, as passed by the 64th Legislature in the 1975 Regular Session, the secretary of state with the approval of the attorney general shall appropriately renumber and change the cross-references of the amendment contained in Sections 1 and 2 of this resolution to conform to the renumbered sections in Article III. The changes are to be made at least 90 days before the first Tuesday after the first Monday in November, 1976.

"Section 5. That if the constitutional amendment proposed in Section 5 of S.J.R. 11, as passed in the 1975 Regular Session of the 64th Legislature, is adopted by a majority of the qualified electors voting on the question on November 4, 1975:

"(1) Approval of this resolution by a record affirmative two-thirds vote of the membership of each house of the 64th Legislature in the 1975 Regular Session is hereby

declared to constitute legislative approval of state debt in conformity with Section 8 of Article VIII of the constitution.

"(2) The ballot at the general election held on the first Tuesday after the first Monday in November, 1976, is to provide for voting for or against the proposition: 'Authorizing an increase of \$100 million in the amount of Texas Water Development Bonds that may be issued for water quality enhancement purposes in accordance with H.J.R. 99 as passed by the 64th Legislature in the 1975 Regular Session.' Approval of this proposition by a majority of the qualified voters voting on the question is hereby declared to constitute voter approval of state debt in conformity with Section 8 of Article VIII of the constitution.

"(3) Approval of state debt in the manner provided by this section permits the legislature to authorize by law the issuance of Texas Water Development Bonds in the amounts prescribed by and otherwise in accordance with Section 49-c contained in Subdivision (1) of Section 2 of this resolution. However, approval of state debt in the manner provided by this section does not mandate or require the continuation of the Texas Water Quality Board or the Texas Water Development Board as the state agency empowered to issue Texas Water Development Bonds and administer proceeds from the sale of bonds.

"(4) Approval of state debt under this section becomes effective on January 1, 1977."

The amendment was read and was adopted.

The resolution as amended was passed to third reading.

#### RECORD OF VOTES

Senators Mauzy, Braecklein, Doggett and Clower asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE JOINT RESOLUTION 99 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.J.R. 99 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Clower, Doggett and Mauzy.

Absent: Moore:

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon,

McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Doggett and Mauzy.

Absent: Moore.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 432 ON SECOND READING**

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 432**, A bill to be entitled An Act relating to the registration and regulation of architects; amending Sections 7, 13, and 14, Chapter 478, Act of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 26, Nays 4, Present-Not voting 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Snelson and Traeger.

Nays: Aikin, Schwartz, Sherman and Williams.

Present-Not voting: Ogg.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTE**

Senator Aikin asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **COMMITTEE SUBSTITUTE HOUSE BILL 432 ON THIRD READING**

Senator Harris moved to suspend the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 432** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4, Present-Not voting 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Snelson and Traeger.

Nays: Aikin, Schwartz, Sherman and Williams.

Present-Not voting: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Schwartz, Aikin, Sherman and Williams asked to be recorded as voting "Nay" on the final passage of the bill.

Senator Ogg asked to be recorded as voting "Present-Not voting" on the final passage of the bill.

#### HOUSE BILL 809 ADDED TO INTENT CALENDAR

On motion of Senator Gammage and by unanimous consent, **H.B. 809** was added to the Intent Calendar for today.

#### HOUSE BILL 809 ORDERED NOT PRINTED

On motion of Senator Gammage and by unanimous consent **H.B. 809** was ordered not printed.

#### HOUSE BILL 809 ON SECOND READING

On motion of Senator Gammage and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 809**, A bill to be entitled An Act requiring certain persons who sell or supply prescription drugs to pharmacists to provide the pharmacists with certain information; providing a penalty; and declaring an emergency.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **H.B. 809** by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. (a) All prescription drugs manufactured and sold or distributed to a pharmacist in this state after the effective date of this Act to be subsequently dispensed to the consumer of the drug or drug product shall have affixed to the labeling the name and business address of the original manufacturer of the finished dosage form, and the names and business address of all repackagers or distributors of the prescription drug or drug product prior to its delivery to the pharmacist. This information does not need to be affixed to the container delivered to the patient.

"(b) An individual, corporation, or association who violates any provision of this Act commits a Class C misdemeanor.

"Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after January 1, 1976, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **HOUSE BILL 809 ON THIRD READING**

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 809** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Moore.

Absent: Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 1046**, A bill to be entitled An Act relating to the effective implementation of the voting rights of all qualified citizens of the state, and relating to the conduct of elections, and procedures and matter incidental to the holding of elections in this state; containing criminal penalties; etc., and declaring an emergency. (With amendments)

**S.B. 319**, A bill to be entitled An Act relating to the organization of the executive department of state government; creating the Commission on Organization of the Executive Department of the Government and prescribing its powers, duties, and functions; and declaring an emergency.

**S.B. 706**, A bill to be entitled An Act requiring approval of the Building Commission for certain construction projects at institutions of higher education; providing for the coordination of postsecondary education; delegating certain duties relating to higher education to the Coordinating Board, Texas College and University System; authorizing the State Board of Education to contract with the Coordinating

Board, Texas College and University System for the performance of certain functions relating to higher education; amending Subsections (d), (e), and (f) of Section 61.051, Section 61.058, and Subsection (a) of Section 11.24, Texas Education Code, and adding Section 61.0581 and Subsection (j) to Section 61.051; and declaring an emergency.

**S.B. 893**, A bill to be entitled An Act amending Section 15 of Article 21.28-C, Texas Insurance Code, as amended, to provide that all amounts paid by each insurer on assessments under this Act shall be allowed to such insurer as a credit against its premium tax; to further provide for certain optional manners in which such credit may be taken by the insurer; and declaring an emergency. (With amendments)

**S.B. 240**, A bill to be entitled An Act amending the Code of Criminal Procedure, 1965; Acts 1965, 59th Leg. vol. 2, p. 317, Ch. 722, as amended, by adding a new section, Section 14A, to Article 42.12; providing for the appointment of Parole Commissioners; fixing their duties and authority; providing for their method of appointment; and providing for their compensation and reimbursement for expenses. (With amendment)

**S.B. 965**, A bill to be entitled An Act relating to the regulation of certain child care facilities and child placing agencies; establishing a Child Care Licensing Division in the State Department of Public Welfare; authorizing certain advisory committees; providing for licensing or certification of certain child care facilities and child placing agencies; providing sanctions and penalties for certain violations of this Act; repealing Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### MOTION TO PLACE HOUSE BILL 519 ON THIRD READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 519**, A bill to be entitled An Act relating to settlement and release of liability; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 19, Nays 12.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Andujar, Creighton, Farabee, Harris, Lombardino, McKinnon, Mengden, Moore, Sherman, Snelson and Traeger.

#### SENATE BILL 965 WITH HOUSE AMENDMENTS

Senator Brooks called **S.B. 965** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**COMMITTEE AMENDMENT NO. 1**

Amend **S.B. 965**, Section 4, Subsection (b) (8) by deleting the same and substituting in lieu thereof the following "an educational facility that operates solely for educational purpose in grades kindergarten or above and does not provide custodial care for more than one hour during the hours before or after the customary school day; or"

**SUBSTITUTE AMENDMENT FOR COMMITTEE AMENDMENT NO. 1**

Amend Committee Amendment No. 1 to **S.B. 965**, Section 4, Subsection (b) (8) by deleting the same and substituting in lieu thereof the following:

"an educational facility that operates solely for educational purposes in grades kindergarten and above and does not provide custodial care for more than one hour during the hours before or after the customary school day and are members of organizations which promulgate, publish, and require compliance with health, safety, fire, and sanitation standards at least equal to those required by state, municipal, and county health, safety, fire and sanitation codes.

**COMMITTEE AMENDMENT NO. 2**

Amend **S.B. 965** by adding the following as Section 1 and properly numbering in order all sections thereafter:

Section 1. Legislative intent and declaration of purpose and policy.

It is the legislative intent to protect the health, safety, and well-being of the children of the state who reside in child care facilities. Toward that end, it is the purpose of this act to establish statewide minimum standards for the safety and protection of children in child care facilities, to insure maintenance of these standards and to regulate such conditions in such facilities through a program of licensing. It shall be the policy of the state to insure protection of children under care in child care facilities, and to encourage and assist in the improvement of child care programs. It is the further legislative intent that the freedom of religion of all citizens shall be inviolate. Nothing in this act shall give any governmental agency jurisdiction or authority to regulate, control, supervise or in any way be involved in the form, manner, or content of any religious instruction or the curriculum of a school sponsored by a church or religious organization.

**COMMITTEE AMENDMENT NO. 3**

Amend **S.B. 965** by substituting in lieu of Section 2, Subsection (12), the following:

(12) "Registered family home" means a child care facility which regularly provides care in the caregiver's own residence for no more than eight (8) children under 14 years of age from more than one unrelated family and which provides care for no more than four (4) additional elementary school siblings of preschool children outside of school hours, provided that the total number of children including the caregiver's own and those related to him does not exceed twelve (12) at any given time.

**COMMITTEE AMENDMENT NO. 4**

Amend **S.B. 965** by substituting in lieu of Section 4, Subsection (b), paragraph (7), the following:



(7) educational facilities that operate in grades kindergarten or above and do not provide custodial care for more than one hour before and one hour after the customary school day and are members of organizations which promulgate, publish and require compliance with health, safety, fire, and sanitation standards at least equal to those required by state, municipal, and county health, safety, fire and sanitation codes.

#### **SUBSTITUTE AMENDMENT FOR COMMITTEE AMENDMENT NO. 4**

Amend Committee Amendment No. 4 to **S.B. 965**, Section 4 Subsection (b) 7 by deleting the same and substituting in lieu thereof the following:  
"an educational facility accredited by the Central Education Agency or the Southern Association of Colleges and Schools that operate primarily for educational purposes in grades kindergarten and above;"

#### **COMMITTEE AMENDMENT NO. 5**

Amend Section 2 of **S.B. 965** by deleting Subsection (4), page 2, line 10, and by renumbering Subsections (5) through (17) to reflect the deletion.

#### **COMMITTEE AMENDMENT NO. 6**

Amend Section 5(a) and 5(b) of **S.B. 965** by striking the words "subject to the approval of the State Child Care Child Placement Council" in lines 10 through 11 on page 6 and 13 through 14 on page 6.

#### **COMMITTEE AMENDMENT NO. 7**

Amend Section 5 (e) of **S.B. 965** by striking the words "subject to the approval of the Child Care Child Placement Council" in lines 17 and 18 on page 7.

#### **COMMITTEE AMENDMENT NO. 8**

Amend Section 5 (h) by striking the words "and to the Child Care Child Placement Council for its review and approval" in lines 1 through 3 on page 8.

#### **COMMITTEE AMENDMENT NO. 9**

Amend Section 12 of **S.B. 965** by striking the word "division" in line 25 on page 12 and substituting the word "department".

#### **COMMITTEE AMENDMENT NO. 10**

Amend Section 14 of **S.B. 965** by striking the word "division" in Subsection (b), line 16, and in Subsection (c), line 22, on page 13 and substituting the word "department".

#### **COMMITTEE AMENDMENT NO. 11**

Amend Section 15 (b) of **S.B. 965** by striking the word "division" in line 3 on page 14 and substituting the word "department".

#### **COMMITTEE AMENDMENT NO. 12**

Amend Section 19 of **S.B. 965** by striking the word "division" in the phrases "division standards" and "division rules and regulations" in line 21 on page 16 and

substituting the word "department".

**COMMITTEE AMENDMENT NO. 13**

Amend Section 21(d) of **S.B. 965** by striking the number "19" in line 14 on page 19 and substituting the number "22".

**COMMITTEE AMENDMENT NO. 14**

Amend **S.B. 965** Second Printing by striking Section 4, Subsection C.

**FLOOR AMENDMENT NO. 15**

Amend **S.B. 965** by substituting in lieu of Section 21, Subsection (b), the following:

(b) A division representative finding conditions that place children in a facility in peril shall immediately contact the department division director and request the director or his designee to immediately inspect the facility for verification of the conditions.

The House amendments were read.

Senator Brooks moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 965** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Gammage, Tracger, Snelson and Williams.

**HOUSE BILL 1396 ON SECOND READING**

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 1396**, A bill to be entitled An Act relating to the creation of the County Criminal Court No. 4 of Tarrant County; making other provisions relative to the court; permitting transfer of certain cases from County Criminal Court No. 3 to County Criminal Court No. 4; and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 1396 ON THIRD READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1396** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 809**, A bill to be entitled An Act relating to the procedures for State and local governmental agencies in Texas determining that an application for a deepwater port license submitted pursuant to the Federal Deepwater Port Act of 1974, 33 U.S.C. 1501 *et. seq.*, complies with State and local law, and authorizing the performance of these procedures and the approval or disapproval of such application by the Governor; amending Sections 1 and 3, Chapter 77, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 6020a, Vernon's Texas Civil Statutes); amending Chapter 230, Acts of the 41st Legislature, Regular Session, 1929 (Article 6020b, Vernon's Texas Civil Statutes) by adding a Section 4; amending Chapter 19, Acts of the 61st Legislature, 2nd Called Session, 1969, as amended (Article 5415g, Vernon's Texas Civil Statutes) by adding a Section 12A; and declaring an emergency.

**S.B. 17**, A bill to be entitled An Act relating to the prevention and cleanup of oil and hazardous substances accidentally discharged into the coastal waters of the state; establishing the Texas Coastal Protection Fund; adding Subchapter K to Chapter 21 of the Water Code; defining certain offenses and providing civil and criminal penalties; and declaring an emergency.

**S.B. 869**, A bill to be entitled An Act relating to the taxation and regulation of the coin-operated machine industry; amending Sections 1 and 4, and adding Section 8, Chapter 587, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(41), Vernon's Texas Civil Statutes); amending Chapter 13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency. (With amendments)

**S.B. 759**, A bill to be entitled An Act relating to providing education and maintenance for persons who are multiply handicapped and who are under 21 years of age; amending Section 11.27, Texas Education Code; and declaring an emergency.

**S.B. 276**, A bill to be entitled An Act relating to the establishment and operation of a state school for the mentally retarded at the San Antonio Chest Hospital; and declaring an emergency. (Passed, subject to Sec. 49A, Art. 3, Constitution of Texas)

**S.B. 277**, A bill to be entitled An Act granting the authority to the Texas Youth Council to assist local communities with services and funding of programs for pre-delinquent and delinquent children; permitting the Texas Youth Council to promulgate rules and regulations concerning such services and funding; amending Section 6, Article 5143d, V.A.C.S.; and declaring an emergency.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

**CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1484**

Senator Schwartz submitted the following Conference Committee Report:

Austin, Texas  
May 31, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1484** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**SCHWARTZ**  
**TRAEGER**  
**HARRINGTON**  
**CLOWER**  
**MAUZY**  
On the part of the Senate

**CALDWELL**  
**MASSEY**  
**HUBENAK**  
**UHER**  
**TANNER**  
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
HOUSE BILL 1694 ON SECOND READING**

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

**H.B. 1694**, A bill to be entitled An Act relating to the power of commissioners courts to adopt ordinances; and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 15.

Yeas: Adams, Aikin, Clower, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Longoria, McKinnon, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Andujar, Braecklein, Brooks, Creighton, Hance, Kothmann, Lombardino, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman and Williams.

#### **MOTION TO PLACE HOUSE BILL 42 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 42**, A bill to be entitled An Act relating to authorizing and regulating group marketing of motor vehicle insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.76; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **H.B. 42** for consideration at this time.

The motion was lost by the following vote: Yeas 15, Nays 16.

Yeas: Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Longoria, Mauzy, Meier, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Harris, Jones, Lombardino, McKinnon, McKnight, Mengden, Moore, Ogg, Sherman, Snelson and Traeger.

#### **HOUSE BILL 1793 ON SECOND READING**

Senator Doggett asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 1793**, A bill to be entitled An Act relating to the placement in this state of children from another state; providing penalties; and declaring an emergency.

There was objection.

Senator Doggett then moved to suspend the regular order of business and take up **H.B. 1793** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and

Williams.

Nays: Aikin, Kothmann, McKinnon, McKnight and Moore.

Absent: Harris.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTES**

Senators Aikin, Clower, McKinnon and Kothmann asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **HOUSE BILL 1793 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1793** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Kothmann, McKinnon, McKnight and Moore.

Absent: Harris.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators McKnight, Clower, McKinnon, Aikin and Kothmann asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 366 ON SECOND READING**

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 366**, A bill to be entitled An Act relating to the assistance of small business entities; providing additional responsibilities for the industrial commission; creating the Advisory Council on Small Business Assistance; providing an effective date; and declaring an emergency.

There was objection.

Senator Ogg then moved to suspend the regular order of business and take up **H.B. 366** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Braecklein, Mauzy, McKnight and Schwartz.

Absent: Moore.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Braecklein, Mauzy, McKnight and Schwartz.

Absent: Moore.

#### HOUSE BILL 366 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 366** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Braecklein, Mauzy, McKnight and Schwartz.

Absent: Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger

and Williams.

Nays: Aikin, Braecklein, Mauzy, McKnight and Schwartz.

Absent: Moore.

#### **SENATE BILL 869 WITH HOUSE AMENDMENTS**

Senator Clower called **S.B. 869** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### **AMENDMENT NO. 1**

Amend **S.B. 869** by striking the words "Texas Vending Commission" on page 2, line 14 and substituting in their place the following: "Texas Amusement Machines Commission".

#### **AMENDMENT NO. 2**

Amend **S.B. 869**, Section 26, by adding the following as Subsection (1):

(1) It shall be unlawful for a person who has a financial interest in a business required to be licensed by this Article or for any agent on behalf of such person to contract either orally or in writing to convey an interest in real property whether by lease, sub-lease or otherwise if such contract contains a provision or provisions in any way limiting the other party's right to secure music or skill or pleasure coin-operated machines from any source.

Further Amend **S.B. 869**, Section 26, on page 40, by adding "(2)" and renumbering Subsections (2), (3), and (4).

#### **AMENDMENT NO. 3**

Amend **S.B. 869**, Section 16 (1) to read as follows:

(1) The annual license fee for a general business license shall be based on the number of music and the number of skill and pleasure coin-operated machines in which each licensee shall have any interest as set forth in Section 8 of this article; and said annual fee shall be Ten Dollars (\$10.00) for each such coin-operated machine.

#### **AMENDMENT NO. 4**

Amend **S.B. 869** on page 6, line 1, by striking the words "pay toilet" and on page 7, line 5, by striking the words "pay toilet".

The House amendments were read.

Senator Clower moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 869** before appointment.



There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Clower, Harris, Mauzy, Santiesteban and Kothmann.

#### HOUSE BILL 446 ON SECOND READING

On motion of Senator Gammage and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 446**, A bill to be entitled An Act prohibiting an officer or employee of a public hospital from denying a seriously ill or injured person emergency treatment because of the person's inability to pay for the services; providing a penalty; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTE

Senator Braecklein asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 446 ON THIRD READING

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 446** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Mengden and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTE

Senator Braecklein asked to be recorded as voting "Nay" on the final passage of the bill.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 31, 1975

Honorable William P. Hobby

President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 665**, A bill to be entitled An Act authorizing the State Board of Control to convey certain land in Dallas County to the City of Dallas for public museum purposes with provision for reversion of title to the State of Texas under certain conditions; and declaring an emergency.

**S.B. 991**, A bill to be entitled An Act amending Section 388(f) of the Texas Probate Code and providing for the filing of partition suits in the Probate Court in which guardianship proceedings are pending; and declaring an emergency.

**S.B. 365**, A bill to be entitled An Act relating to the election of members of the governing boards of certain junior college districts; amending Section 130.082, Texas Education Code, by adding Subsection (i); and declaring an emergency. (With amendments)

**S.B. 696**, A bill to be entitled An Act providing for the form and content of individual accident and sickness insurance policies; defining certain terms and the purpose of this Act; expanding the applicability of the Act; establishing standards for policy provisions; declaring minimum standards for benefits and premium rates; providing for an outline of coverage; providing standards for preexisting conditions; establishing administrative procedures; providing for reasonable rules and regulations in the approval of policies; amending the powers of the State Board of Insurance regarding certain policy form approval procedures; providing penalties for violation of the provisions of this Act; amending Sections 1 and 9 and Subsections (A) and (B) of Section 3, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 3.70-1, 3.70-3, and 3.70.9, Vernon's Texas Insurance Code); amending Article 3.42, Insurance Code, as amended; and declaring an emergency. (With amendments)

**S.B. 871**, A bill to be entitled An Act amending Article 3.51 of the Texas Insurance Code by adding thereto Article 3.51-5, authorizing and relating to the payment of group life and health insurance premiums with respect to retirements or deaths occurring before the effective date of this Act by members of the Texas Central Education Agency, the Texas Rehabilitation Commission, and the Coordinating Board, Texas College and University System; making provisions to pay such premiums, prescribing conditions and limitations pertaining thereto; and declaring an emergency. (With amendment)

**S.B. 5**, A bill to be entitled An Act relating to licensing requirements applicable to certain individuals and business entities engaged in the business of installing and servicing certain alarm and fire extinguisher systems; amending Subsection (b), Section 17, Chapter 610, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4413(29bb) Vernon's Texas Civil Statutes); amending Subsections (a) and (b), Section 4, Article 5.43-1, Insurance Code; and declaring an emergency. (With amendment)

**S.B. 980**, A bill to be entitled An Act relating to establishing a hearing procedure by which the parents or guardians of exceptional children shall be assured due process in the identification, evaluation, and educational placement of their children; amending Section 16.16, Texas Education Code, as amended; repealing all laws in conflict; and declaring an emergency. (With amendment)

**S.B. 192**, A bill to be entitled An Act relating to requiring deposit of security and proof of financial responsibility after a determination that there is a reasonable possibility of a judgment being rendered against a vehicle owner, operator, or owner and operator as a result of a vehicle accident; amending Section 5, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701b, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

**S.B. 130**, A bill to be entitled An Act amending the Code of Criminal Procedure, 1925, by adding a new Article 54.14, adopting the Interstate Agreement on Detainers Act; and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### SENATE RULE 103 SUSPENDED

On motion of Senator Adams and by unanimous consent, Senate Rule 103 was suspended in order that the Administration Committee might consider today:

H.B. 1113  
H.B. 1114  
H.B. 1058  
H.C.R. 117  
H.C.R. 127  
H.B. 1384

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

S.B. 418 - Senator Ogg  
C.S.S.B. 448 - Senator Mauzy  
C.S.S.B. 449 - Senator Mauzy  
S.B. 987 - Senator Ogg  
H.C.R. 127 - Senator Hance  
H.B. 42 - Senator Mauzy (Third reading)  
H.B. 72 - Senator Hance  
C.S.H.B. 82 - Senator Mauzy (Third reading)  
H.B. 109 - Senator Mauzy  
H.B. 491 - Senator Mauzy  
H.B. 519 - Senator Mauzy  
H.B. 542 - Senator Clower  
H.B. 734 - Senator Gammage  
H.B. 820 - Senator Meier (Unfinished business)  
H.B. 836 - Senator Ogg (Third reading)  
H.B. 1058 - Senator Hance  
H.B. 1113 - Senator Doggett  
H.B. 1114 - Senator Doggett  
H.B. 1210 - Senator Meier  
H.B. 1245 - Senator McKinnon  
H.B. 2003 - Senator Brooks

**MEMORIAL RESOLUTION**

**S.R. 693** - By Senator Patman: Memorial resolution for Richard D. Grant

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 692** - By Senator Adams: Extending welcome to Ron Hance.

**S.R. 694** - Senator Hance: Extending welcome to Todd Sloan.

**S.R. 695** - Senator Creighton: Extending welcome to Mr. and Mrs. Victor McIntyre and daughter Karen.

**S.R. 696** - By Senator Sherman: Extending welcome to Mr. and Mrs. William R. Jenkins, Sr.

**S.R. 697** - By Senator Hance: Extending welcome to Geof Sloan.

**S.R. 698** - By Senator Aikin: Extending congratulations to Dr. James Edward "Pappy" Armstrong.

**S.R. 699** - By Senator Clower: Extending congratulations to the Duncanville High School baseball team.

**ADJOURNMENT**

On motion of Senator Moore the Senate at 6:59 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, June 2, 1975.

**APPENDIX****Sent to Governor**

(May 31, 1975)

<b>S.J.R. 49</b>	<b>S.B. 664</b>
<b>S.C.R. 58</b>	<b>S.B. 653</b>
<b>S.C.R. 75</b>	<b>S.B. 689</b>
<b>S.C.R. 77</b>	<b>S.B. 726</b>
<b>S.C.R. 81</b>	<b>S.B. 829</b>
<b>S.C.R. 97</b>	<b>S.B. 901</b>
<b>S.C.R. 91</b>	<b>S.B. 908</b>
<b>S.C.R. 101</b>	<b>S.B. 982</b>
<b>S.C.R. 68</b>	<b>S.B. 122</b>
<b>S.C.R. 76</b>	<b>S.B. 271</b>
<b>S.C.R. 78</b>	<b>S.B. 627</b>
<b>S.C.R. 95</b>	<b>S.B. 705</b>
<b>S.B. 26</b>	<b>S.B. 486</b>
<b>S.B. 55</b>	<b>S.B. 721</b>
<b>S.B. 190</b>	<b>S.B. 827</b>
<b>S.B. 202</b>	<b>S.B. 902</b>
<b>S.B. 205</b>	<b>S.B. 926</b>
<b>S.B. 230</b>	<b>S.B. 955</b>
<b>S.B. 267</b>	<b>S.B. 1037</b>
<b>S.B. 302</b>	<b>S.B. 1054</b>